SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

FRIDAY, MARCH 25, 2005

8:30 A.M.

(PAGES 3537 THROUGH 3594)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter 3537

APPEARANCES OF COUNSEL:

For Plaintiff: THOMAS W. SNEDDON, JR.,
District Attorney -and-
RONALD J. ZONEN, Sr. Deputy District Attorney
-and- GORDON AUCHINCLOSS,
Sr. Deputy District Attorney, -and-
MAG NICOLA, Deputy District Attorney
1112 Santa Barbara Street Santa Barbara, California 93101

For Defendant: COLLINS, MESEREAU, REDDOCK & YU
BY: THOMAS A. MESEREAU, JR., ESQ. -and-
SUSAN C. YU, ESQ.
1875 Century Park East, Suite 700
Los Angeles, California 90067
-and-
SANGER & SWYSEN BY: ROBERT M. SANGER, ESQ.
233 East Carrillo Street, Suite C Santa Barbara, California 93101
-and-
OXMAN and JAROSCAK
BY: R. BRIAN OXMAN, ESQ. 14126 East Rosecrans Boulevard
Santa Fe Springs, California 90670

1 I N D E X
2
3 Note: Mr. Sneddon is listed as “SN” on index.
4 Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
5 Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
6 Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.
7 Mr. Nicola is listed as “N” on index.
8
9 PLAINTIFF’S WITNESSES DIRECT CROSS REDIRECT RECROSS
10 SUTCLIFFE, Timothy 3541-SA 3548-A 3557-SA
11 (Cont’d)
12 3561-A 3564-SA (Further) (Further)
13
14 ROMERO, Alicia 3567-N 3582- SA 3586-N 3588-SA
15 TORRES, Nancy Diana 3590-N
16
17
18
19
20
21
22
23
24
25
26
27
28 3539

1 E X H I B I T S
2 FOR IN
3 PLAINTIFF'S NO. DESCRIPTION I.D. EVID.
4 769 Notebook containing 19 pages 3552
5
6 770 Disk of exhibits released per court order 3581
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28 3540

Santa Maria, California
Friday, March 25, 2005
8:30 a.m.

THE COURT: Good morning.
THE JURY: (In unison) Good morning.
COUNSEL AT COUNSEL TABLE: (In unison)
Good morning, Your Honor.
THE COURT: You may proceed, Counsel.
MR. SANGER: Thank you, Your Honor.

TIMOTHY SUTCLIFFE
Having been previously sworn, resumed the
stand and testified further as follows:

CROSS-EXAMINATION (Continued)
BY MR. SANGER:
Q. Okay. Good morning.
A. Good morning.
Q. How are you doing?
A. Good.
Q. I just have a few more questions for you.
At the end of the day yesterday, you
testified, and there was a slide presentation
wherein 19 prints were shown, latent prints; is that
correct?
A. Correct.
Q. Just to remind the jury, you had the big 3541

charts on poster board, and then a Power Point presentation was presented to the jury on the screen, correct?
A. That's correct.
Q. Those were 19 --
MR. AUCHINCLOSS: I'll just object as misstates the evidence; that this witness was shown only 16 cards, exhibits.
MR. SANGER: Okay.
Q. All right. You're aware that there were 19 prints, you looked at some of them and you did not identify them; is that correct?
A. That's correct. Those were processed by another investigator.
Q. You had a total of 19 prints up there, and you were able to identify 16 as something you processed?
A. I had a hand in processing 16 of them, yes.
Q. There you go. Of the 16 you processed, and the other three that you're aware of, totaling 19, those are from a collection of how many usable latent prints?
A. From what I understand, there was --
MR. AUCHINCLOSS: I'll object as lacks foundation.
THE COURT: Sustained.
Q. BY MR. SANGER: All right. Your unit was responsible for processing the prints; is that 3542

correct?
A. That's correct.
Q. And by that we mean trying to locate all of the usable prints, the prints that looked like they might have enough detail to use them for comparison purposes, correct?
A. Correct.
Q. And who is in charge of your unit? Who was in charge of this process?
A. As far as looking at the --
Q. As far as developing the prints so that you get to the point where you have visible prints.
A. Well, I.D. Technician Torres and I were involved in the process in Santa Maria. And Detective Wittenbrock and I.D. Tech Shelly were involved in the process in Santa Barbara.
Q. All right. And did you confer with Detective Wittenbrock and I.D. Tech Shelly to determine the status of their work?
A. Yes.
Q. And did you look at the materials that they had accumulated?
A. No.
Q. You haven't looked at them at all?
A. I have seen some of the prints that were displayed, but not all of the prints that they submitted as useable.
Q. Okay. And so the team was -- the team was 3543

1 comprised of the four of you, two in Santa Maria,
2 two in Santa Barbara?
3 A. Correct.
4 Q. And did you ever have a final -- well, let's
5 not put it that way. Did you ever have any kind of
6 a meeting where you sat down, and you said, "Okay,
7 this is the body of material that we have, we're
8 going to turn it over to the latent print examiners
9 to take a look at it"?
10 A. No.
11 Q. How many prints did you come up with in your
12 operation in Santa Maria, that being the operation
13 between you and I.D. Tech Torres? How many prints?
14 A. We submitted, I believe, a total of about
15 600, approximately. I think there was 600 that we
16 submitted.
17 Q. And so I guess what you're saying is, you
18 have no idea how many were submitted by Detective
19 Wittenbrock and I.D. Tech Shelly in Santa Barbara?
20 A. I'm not sure of the exact amount. I know
21 there was, I think in the neighborhood of a total of
22 700, but I'm not sure of the exact figure.
23 Q. Total of 700 from them, or 700 --
24 A. 700 total.
25 Q. Okay. So you submitted the bulk of them.
26 They came up with a smaller number?
27 A. Correct. We had the bulk of the items.
28 Q. So out of the 600 prints or so that you 3544

developed, the 600 or so usable prints that you developed, there were 16 that you have shown us yesterday; is that correct?
A. Correct.
Q. And out of the approximate other hundred, apparently the other three were the result of that; is that correct?
A. That's my understanding.
Q. Now, of all those usable prints, most of them were negative for the -- is that your understanding?
A. Yes.
Q. All right. Okay.
MR. AUCHINCLOSS: I'll object and move to strike as ambiguous, vague, "negative."
THE COURT: Sustained, stricken.
Q. BY MR. SANGER: The process that you used involved a Scenescope.
A. Correct.
Q. And reminding everybody - they've probably got that by now - you talked about the ALS also in your testimony yesterday, and I want to clarify this. ALS is different than Scenescope when you're using those terms; is that correct?
A. That is correct.
Q. And you mentioned that there had been an ALS evaluation of the materials in Item 317 that occurred before you had begun to look at them for 3545

prints; is that correct?
A. That's my understanding. I don't believe I did Item 317 ALS, but I know I did ALS on certain items, and I'm assuming that was done on others.
Q. You understand that somebody else did that?
A. That's my understanding, but I don't believe I said specifically I did that one.
Q. And that ALS -- whatever ALS process was done either by you or anybody else, did that do anything to affect the ability to obtain prints?
A. No, it did not.
Q. Now, you indicated that in your process, you did the super glue fuming first, then you did the Scenescope, then you did the ninhydrin process; is that correct?
A. That's correct.
Q. So therefore, you did not use the Scenescope before doing the super glue fuming; is that correct?
A. Not in our process, no.
Q. Now, you're familiar with the Scenescope technology, I take it, correct?
A. Yes.
Q. And you're aware that you can use the Scenescope before you do any chemical alterations to the paper; is that correct?
A. That's correct. We had not used in our process protocol, but we had used the Scenescope to look at pages prior to doing our protocol to see if 3546

we could observe any images. And we did not have what I would consider sufficient results that way, so we went to doing the super glue technique.
Q. So how -- in other words, before you tamper with it, and I don't mean that in a bad way, but before you chemically alter with super glue, it is possible to use a Scenescope and try to find prints in their more or less natural state, correct?
A. That's correct.
Q. And you're saying you tried that on a few pages first?
A. We did some test pages.
Q. About how many test pages did you do?
A. Just a few. I don't know exactly how many.
Q. And how many pages did you have overall?
A. Of --
Q. That you ultimately examined?
A. Over, I don't know, a thousand.
Q. All right. So it was -- it was your determination not to do a thorough Scenescope examination of the thousands of pages before doing the super glue fuming as a result of that test; is that correct?
A. That's correct. And one of the things that's mentioned in the Scenescope literature, and also in talking to their specialist, is that if you cannot visualize prints, your best method is to then move to the super glue, because it will have the

1 best results, especially with the Scenescope. Best
2 results are with super glue process.
3 MR. SANGER: I'm going to move to strike
4 that as hearsay and nonresponsive after, "Yes, I
5 think it was" -- or after, "That's correct."
6 THE COURT: Stricken after, "That's correct."
7 I wonder if you could try to speak a little
8 louder or lean a little closer. I can hear you, but
9 it's -- go ahead.
10 MR. SANGER: And I have no further questions
11 at this time.
12 (Laughter.)
13
14 REDIRECT EXAMINATION
15 BY MR. AUCHINCLOSS:
16 Q. Good morning, Detective Sutcliffe.
17 A. Good morning.
18 Q. I believe Mr. Sanger used the word
19 "chemically alter." Is that an accurate description
20 of what happens when you fume a page with the super
21 glue?
22 A. The super glue fumes are adhering to the
23 residues that are left on the page, so --
24 Q. Okay. Does the fingerprint itself get
25 altered?
26 A. No --
27 MR. SANGER: Objection. That's leading.
28 MR. AUCHINCLOSS: This is an expert witness. 3548

THE COURT: The answer was, “No.” Next question.
Q. BY MR. AUCHINCLOSS: Now, in your experience as a forensics detective, how many times, if you can estimate, have you been asked to look for fingerprints on a given item?
A. Daily.
Q. Okay. Hundreds of times?
A. Thousands of times.
Q. Thousands of times, in hundreds of cases or more?
A. Yes.
Q. When you look for a fingerprint on an item, do you always find it?
A. No.
Q. Do you always find some fingerprints on an item you’re looking for fingerprints on?
A. No, we do not.
Q. If you were asked to characterize the percentage of items that you looked for fingerprints on and you actually find a usable fingerprint on, what percentage would you say?
MR. SANGER: Objection. Relevance; improper foundation.
THE COURT: Sustained; relevance.
MR. AUCHINCLOSS: This is offered not only for the magazines, but for other evidence in this case. 3549

THE COURT: You may proceed.
MR. AUCHINCLOSS: Not relevant?
All right.
Q. Mr. Sanger asked you some questions yesterday about the use of digital cameras with the Scenescope.
A. Correct.
Q. And have you had a chance to do some research on that topic as to whether or not a digital camera is sufficient or adequate to use with a Scenescope in capturing fingerprint images?
A. Yes, I have.
Q. What did you do?
A. I contacted the Spex Corporation this morning and talked with a representative there.
Q. Have you -- did you find out whether or not Spex Corporation actually offers their Scenescope with a digital camera, as you mentioned you believe it did yesterday?
A. Yes, they do.
MR. SANGER: Objection. Asked and answered; and also for hearsay, for that matter.
MR. AUCHINCLOSS: It goes to -- it's expert testimony, Your Honor.
THE COURT: Hearsay; sustained.
Q. BY MR. AUCHINCLOSS: Do you know, based upon your training, education, and experience, including any training you've received from the Scenescope 3550

Corporation, as to whether or not a digital camera is sufficient to capture fingerprint images using a Scenescope?
MR. SANGER: Objection. That calls for hearsay; and it's also vague.
THE COURT: Overruled.
You may answer that question.
THE WITNESS: Yes, I do.
Q. BY MR. AUCHINCLOSS: And do you know if a four-megapixel camera is sufficient, pursuant to Scenescope recommendations, to capture such images?
A. Yes. And actually, they had offered originally a three-megapixel --
MR. SANGER: Move to strike after the answer, "Yes."
THE COURT: Stricken.
Q. BY MR. AUCHINCLOSS: Do you know if Scenescope has even recommended a lesser resolution camera, such as a three-megapixel camera, to capture fingerprint images?
A. Yes, they do.
MR. SANGER: Objection; calls for hearsay.
MR. AUCHINCLOSS: It's his training.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: When you use the digital camera, what -- does the camera itself have different levels of resolution that you can set the camera to? 3551

A. Yes.
Q. And what level of resolution do you use on this four-megapixel camera?
A. We use JPEG, the highest resolution, lowest compression.
Q. Okay. And does that capture the clearest images?
A. Yes, in JPEG format.
MR. AUCHINCLOSS: One last bit of housekeeping, Your Honor. I provided counsel with a copy of what I have marked as People's Exhibit 769. These are the images that I have provided, showed on the Power Point, but I didn't introduce yesterday. And I'd like to just ask the witness a couple of foundational questions concerning this exhibit.
THE COURT: All right.
MR. SANGER: Well, I'm going to object. It's beyond the scope of direct. Beyond the scope of cross.
MR. AUCHINCLOSS: I believe there was some questions about the testimony yesterday concerning given images. And if there is a problem, I would ask to reopen for that limited purpose.
MR. SANGER: Does Your Honor know what pictures he's talking about? They're the ones subject to the 352.
THE COURT: No, I don't.
MR. AUCHINCLOSS: I've got a copy. 3552

THE COURT: These are the pictures he showed yesterday.
MR. AUCHINCLOSS: That's correct.
THE COURT: I've already ruled on the 352.
MR. SANGER: Well, my objection is that this is beyond the scope of cross. I didn't ask about these pictures. I was just referring to the 352 so Your Honor would know what we were talking about.
THE COURT: All right. Thank you.
The questions that you wanted to ask him are foundational questions that you omitted to ask on direct?
MR. AUCHINCLOSS: Well, just concerning this particular exhibit. I just want to tie this particular exhibit up with the presentation that we gave yesterday.
THE COURT: All right. I'll allow that.
MR. AUCHINCLOSS: All right.
THE COURT: Whose is this?
Q. BY MR. AUCHINCLOSS: Detective, I show you Exhibit 769. It is a notebook which appears to have 19 pages in it, and I want you to look particularly to page number two. I'm going to -- I'm going to name some different page numbers.
Let's do it this way. I'll provide with you page numbers, and I'll ask you if these page numbers correspond -- if the fingerprint on these particular pages correspond with the 16 print cards that you 3553

identified yesterday as being prints that you located.
A. Okay.
Q. All right. And I'll do it serially. Well, we can do it one at a time.
Does page number two correspond to the print card noted as Exhibit No. 725, 02?
A. Yes, it does.
Q. Does page number three correspond with the Exhibit No. 726, Print Card 03?
A. Yes, it does.
Q. And those were prints that you found, correct?
A. That's correct.
Q. And these are identical photos as to what was shown yesterday as to where these prints were located on these particular pages?
A. That's correct.
Q. All right. Does page number five, the ninhydrin print, correspond to the fingerprint that's noted on Exhibit 728, 05?
A. Yes, it does.
Q. Does page number six of this exhibit correspond with the fingerprint that is shown on Exhibit 729, 06?
A. Yes, it does.
Q. Does page number seven of Exhibit 769 correspond -- have a fingerprint on it that 3554

1 corresponds with the fingerprint on Exhibit 730,
2 identified as Card 07?
3 A. Yes, it does.
4 Q. Does page number eight, the fingerprint
5 thereon, correspond with the fingerprint that's
6 located on Card No -- Exhibit No. 731, Card No. 08?
7 A. Yes, it does.
8 Q. Showing you page number nine of that
9 exhibit, does the fingerprint on that page
10 correspond with the fingerprint on Card No. 9,
11 Exhibit No. 732?
12 A. Yes, it does.
13 Q. Skipping ahead to page number 12, does that
14 fingerprint on Exhibit 769 correspond -- on page 12,
15 correspond to the fingerprint on Exhibit No. 735,
16 Card 12?
17 A. Yes, it does.
18 Q. Skipping one page. Page 14, does the
19 fingerprint on that card correspond with the
20 fingerprint on the card noted as Exhibit 737,
21 No. 14?
22 A. Yes, it does.
23 Q. Looking at page 15, does the fingerprint on
24 that page correspond with the fingerprint on Exhibit
25 No. 738, noted as Card 15?
26 A. Yes, it does.
27 Q. Going ahead to 16, page 16, does the
28 fingerprint on that card correspond to the 3555

1 fingerprint on Exhibit 739, noted as Card 16?
2 A. Yes, it does.
3 Q. And lastly, showing you page 17 -- that's
4 not yours, sorry.
5 I'm going to show you Card 18. Does Card 18
6 correspond with the fingerprint that is noted on
7 page 18 -- does this correspond with Exhibit No.
8 741, Card 18?
9 A. Yes, it does.
10 Q. All right. And you located each of those
11 fingerprints?
12 A. That's correct.
13 Q. And this exhibit contains the fingerprint
14 that you've noted with the exact page that it was
15 located on and the location of the fingerprint on
16 that page?
17 A. That's correct.
18 Q. Thank you.
19 Move to admit Exhibit 769 into evidence at
20 this time.
21 MR. SANGER: I'm not sure that 769 have the
22 other pages in it that haven't been identified yet.
23 MR. AUCHINCLOSS: That's fair. That's fair.
24 Actually, I will reserve that. I'll hold off on
25 moving to admit that into evidence. There's
26 additional foundation that I need to add.
27 THE COURT: All right.
28 MR. AUCHINCLOSS: All right. Thank you. 3556

No further questions.

RECROSS-EXAMINATION

BY MR. SANGER:

Q. Do you have 741 in front of you, Exhibit 741?

A. Is that --

MR. SANGER: May I approach, Your Honor?

THE COURT: Yes.

MR. SANGER: If I can assist.

Q. That is 741.

A. Thank you.

Q. Exhibit 741 you have now identified as relating to a particular page in the book that was just marked for identification, correct?

A. Correct.

Q. Now, that was originally attributed to a totally different magazine, a different exhibit, was it not?

A. Correct. That placard number belonged to 321-D, which was a “Hawk” magazine.

Q. Okay. And did you confer with Detective Spinner about the misidentification of that particular -- the location of that particular print?

A. I conferred with him about the misleading of the binders, yes.

Q. So there was a misattribution, in your opinion at this time, of that print to, in essence, 3557

1 the wrong magazine?
2 MR. AUCHINCLOSS: I'll object as vague as to
3 "misattribution."
4 THE COURT: Overruled.
5 THE WITNESS: I don't know what that means.
6 Q. BY MR. SANGER: Okay. That's a good point.
7 When your team -- when the fingerprint team
8 was working on this, that particular print was
9 originally identified to - I want to get the right
10 number here - 321-D, correct?
11 A. That's correct.
12 Q. And 321-D -- I'm sorry?
13 A. I was going to say that was based on us
14 receiving the binder with the label, and when we
15 opened the binder, we went to work on that
16 particular magazine, which was "Finally Legal."
17 Q. Okay. The binder was labeled as 321-D?
18 A. Mislabeled.
19 Q. All right. We'll get to misattribution
20 anytime now.
21 All right. The binder was mislabeled as
22 321-D, correct?
23 A. And that was the only identifier on the
24 binder.
25 Q. Okay. So there was no other way to
26 establish, as you look at it, as to what exhibit
27 that actually was?
28 A. Correct. 3558

Q. And you would agree, based on your training and experience, that it's important to try to label all these things carefully so that ultimately, if you're called to testify in court, you can get it right?
A. Absolutely.
Q. Okay. And eventually it was determined, you believe at this time, that that print really came off a different magazine?
A. Oh, I know it did.
Q. Okay. That's your testimony at this point.
A. Correct.
Q. All right. And by the way, the fingerprints that you lifted, do you have any way to determine the age of the fingerprints?
A. No.
Q. So you can't tell if one was laid down before another, correct?
A. Correct.
Q. And you can't tell, just even in general, other than, for instance, looking at the date of a magazine or something like that, you can't tell scientifically when a particular print was placed there?
A. Correct.
Q. Okay. Now, Mr. Auchincloss led off with a question about "chemically altered." The fact is that super glue fuming does chemically alter the 3559

exhibit, does it not, sir?
A. It adheres to the prints that are on -- or whatever residue is left on there. I don't believe it chemically alters the prints, the chemical the process, the super glue itself.
Q. All right. In talking about the word "alter," then, if you -- if you put super glue on something, super glue is a chemical, right?
A. Correct.
Q. And you're not altering the exhibit by putting super glue on something; is that your definition?
A. My understanding, yes.
Q. Okay. Now, aside from that, you do agree with me that when you put super glue, the super glue fuming causes the super glue to adhere to the page?
A. That's correct.
Q. Okay. And to one extent, it may help to enhance a fingerprint, right?
A. Definitely.
Q. Because it will tend to adhere to the portions of the fingerprint that correspond to the ridges on the finger that left the print, correct?
A. Correct.
Q. If you overfume, if you fume too long or too thoroughly on a piece of paper, you can actually obscure portions of the fingerprint, correct?
A. That would be true. 3560

Q. All right. And that's not chemically
altering, as far as you're concerned?
A. Correct.
MR. SANGER: Okay. Thank you. No further
questions.
MR. AUCHINCLOSS: Could I have just a
moment, Your Honor? I'm trying to call up an image
on my computer that I'd like to show the detective.
THE COURT: Yes.
THE CLERK: Do you have an exhibit number?
MR. AUCHINCLOSS: It is -- no, that's not
it. It's --
(Discussion off the record.)
MR. AUCHINCLOSS: I'll do it without the
exhibit.
Your Honor, could you project "Input 1,"
please?

FURTHER REDIRECT EXAMINATION
BY MR. AUCHINCLOSS:
Q. Detective, is this the fingerprint that
counsel just questioned you about?
A. Yes, it is.
Q. And I believe I questioned you about it,
that there was an error on that fingerprint because
it said 3 -- it says "321-D"?
A. That's correct.
Q. And you said that's incorrect? 3561

A. That is.
MR. SANGER: Objection. Leading; calling for recitation of prior testimony.
THE COURT: Overruled.
Q. BY MR. AUCHINCLOSS: And in fact, that is 321-F?
A. That's correct.
MR. SANGER: That's leading, Your Honor.
MR. AUCHINCLOSS: It's restating his testimony, it's not --
MR. SANGER: Object to speaking --
THE COURT: It is leading. I'll sustain the objection.
MR. AUCHINCLOSS: Okay.
Q. What is the accurate letter for that particular item number?
A. The item number is 321-F.
Q. And you said you were certain that that item number is 321-F?
A. That is correct.
MR. SANGER: Objection; leading.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Are you certain that that is Item 321-F?
A. Yes, I am.
Q. Why?
A. A couple of things. One, when we received the magazine, and when we were doing our report at 3562

the time we were processing the magazine, we were processing "Finally Legal." That was the magazine. Subsequently, when we noticed that the tags had been switched, we noticed that 321-D was actually associated with the "Hawk" magazine.
Q. Does the circle that you identified that particular fingerprint with have any similarities to the circle to the right that appears in the image?
A. Yes, it does.
Q. How so?
A. You can see that the -- at the edge of the ruler up in the upper right-hand corner of the photograph is the number "1," and that is also illustrated on the actual photograph of the page.
Q. All right. So -- Detective, I show you Exhibit No. 559. It appears to be Item 321-F. Is that the magazine that that fingerprint came from?
A. Yes, it is.
Q. And is there any indication or mark on this magazine that tells you that this magazine is, in fact, 321-F?
A. On the back page of the magazine there should be a number in the bottom right-hand corner, and it was identified as 321-F, and that was placed there when they were first being separated.
Q. All right. Thank you, Detective. I have no further questions.
// 3563

FURTHER RECROSS-EXAMINATION
BY MR. SANGER:
Q. Never trust a lawyer who says there's only a few questions. That's why we started 35 minutes ago.
You are in the Santa Barbara County Sheriff's Department, and you are a deputy sheriff; is that correct?
A. That's correct.
Q. And you worked as a deputy sheriff before moving into the Forensics Bureau, correct?
A. That's correct.
Q. And you went to the academy?
A. Correct.
Q. Which academy?
A. Ventura Academy.
Q. And that's a POST, P-O-S-T, certified academy, correct?
A. That's correct.
Q. And in the academy, you studied the need to be very accurate in recording material in police reports and elsewhere for the purpose of investigations, correct?
A. Absolutely.
Q. And the purpose of recording material accurately is so that later, when speaking to other officers or to counsel, or testifying in court, you can present accurate testimony in a case; is that 3564

correct?
A. That's correct.
Q. You then moved to the Forensics Bureau of the sheriff's department; is that right?
A. Correct.
Q. And the Forensics Bureau is, in essence, a part of the sheriff's department that deals specifically with evidence, sometimes the scientific processing of evidence; is that correct?
A. That's correct.
Q. And in the course of your training to become a member of the Forensics Bureau, was it emphasized that it is extremely important to make sure that all of the evidence tags and paperwork and everything else is extremely accurate?
A. Absolutely.
Q. All right. So based on your training and experience, this was not correct police procedure to have this exhibit mislabeled in this case; is that correct?
A. It should not have been mislabeled, that's correct.
Q. And tags should not be switched; is that correct? I think those are your words, "the tags were switched"?
A. Yes, meaning not purposely, but accidentally switched.
Q. Well, tags should not be switched, correct? 3565

A. Correct.
Q. All right. And you caught this particular one, right?
A. That was the only one.
Q. That's the only one you caught?
A. We checked them all.
MR. AUCHINCLOSS: Objection; argumentative.
Q. BY MR. SANGER: You went back and you checked them all?
MR. AUCHINCLOSS: There's an objection.
THE COURT: Just a moment.
It's overruled. The answer was, "We checked them all." Next question.
Q. BY MR. SANGER: "Checked them all" meaning all the fingerprints?
A. Checked every magazine to make sure it was properly labeled.
Q. I'm sorry, I meant all the materials that you had for the fingerprints.
A. Correct.
Q. Were you aware of any other tags falling off in this particular investigation?
A. Not to my knowledge.
MR. SANGER: Okay. Thank you. No further questions.
MR. AUCHINCLOSS: No further questions.
THE COURT: Thank you. You may step down.
Call your next witness. 3566

MR. NICOLA: Alicia Romero, Your Honor.
THE COURT: Come forward, please. You were sworn yesterday. You're still under oath. You may be seated.
THE WITNESS: Okay. Thank you.
MR. NICOLA: Good morning.
THE WITNESS: Hi, good morning.
MR. NICOLA: Would you take a look at these while I'm getting ready.

ALICIA ROMERO
Having been previously sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION
BY MR. NICOLA:
Q. Good morning, Miss Romero.
A. Good morning.
Q. As soon as you sat down, I handed you two envelopes, and asked you to take a peek through those.
A. Okay.
MR. SANGER: Your Honor, I'm going to ask for the opportunity to see what she's taking a peek at.
THE COURT: Go ahead.
MR. NICOLA: Go ahead.
THE COURT: The audience couldn't hear you, 3567

though, when you said that.
MR. SANGER: Can I restate it, or just --
THE COURT: Yes, go ahead.
MR. SANGER: I asked if I could have the
opportunity to take a peek at what she's taking a
peek at.
MR. AUCHINCLOSS: Your Honor, could we go to
"Input 1," please, and go back to the black screen?
Thank you.
MR. SANGER: That's fine. Let me just take
a look at the envelope here.
THE WITNESS: These came from this envelope
here.
MR. SANGER: All right. Okay. That's fine.
Thank you.
Thank you, Your Honor.
THE COURT: All right. Go ahead, Counsel.
Q. BY MR. NICOLA: Do you recognize the
documents contained in both of those envelopes that
you looked at?
A. Yes, I do.
Q. Okay.
A. Are you referring to these?
Q. Yes.
A. Yes.
THE BAILIFF: She's got to scoot up and
speak into the microphone.
THE WITNESS: Oh, yes. 3568

MR. NICOLA: Did you hear that?
Q. Now, before we start talking about the contents of either of those envelopes, would you please let the jury know who you are and where you're employed.
A. Okay. My name's Alicia Romero and I work at the Santa Barbara Superior Court.
BAILIFF CORTEZ: Closer to the mike, please.
THE WITNESS: My name is Alicia Romero, and I work at the Santa Barbara Superior Court. I supervise the courtroom clerks, both criminal and civil, and I also am the supervisor of the exhibit clerk, and I also handle the exhibits also.
Q. BY MR. NICOLA: With respect to your duties as handling exhibits for the Superior Court, were you involved in handling the exhibits lodged in the grand jury proceeding in the case of People vs. Michael Jackson?
A. After the grand jury they were delivered to me, and I've had them in my possession in a vault all this time.
Q. Okay.
A. Except for certain orders to release.
Q. Okay. That's where we're going next. When the grand jury exhibits came to you, what did you first do with them?
A. Since it was after hours, we received them, and I locked them right away in the exhibit room, 3569

which has a vault that -- it's real thick, with a combination lock, until the next morning.
Q. Okay. Did you conduct an inventory on the exhibits after that?
A. First thing the next morning.
Q. Okay. And you made sure that all the exhibits that had been entered into the grand jury were accounted for in your vault, correct?
A. Correct.
Q. Okay. And is that part of your official function?
A. On grand jury exhibits, there's times where I would get orders from Gary Blair to handle them myself.
Q. Okay. And in this particular case you were ordered by Gary Blair?
A. Correct.
Q. Did anybody have access to the grand jury exhibits that were lodged with you?
A. The only other person would have been my exhibit clerk at the time, but she was also informed that anything to do with this grand jury exhibits, that she was to contact me and I would handle it. And I also had the -- my other supervisor, Flota Pritchard, in my absence, if it was an emergency need, that she could have access to it also. Other than that, it was just her and I that were to handle them. 3570

Q. Do you know whether any emergencies came up where somebody other than you had to get in there?
A. I believe --
MR. SANGER: Calls for hearsay, Your Honor.
THE COURT: Sustained.
Q. BY MR. NICOLA: Did you keep records of every time that the grand jury exhibits were accessed?
A. Yes, I did.
Q. And were those records kept within the scope of your employment as a public employee?
A. Yes.
Q. And were you under a duty to record whenever the grand jury exhibits were opened?
A. Yes.
Q. And if another clerk, another public employee working for you, had access or needed access to the grand jury exhibits, it was part of your duty to record who entered the grand jury exhibits?
A. Yes.
Q. And when?
A. Yes.
Q. And get some kind of identification from who had access to the grand jury evidence?
A. Yes. Unless we knew who that person was. Uh-huh.
Q. Okay. Do you have a record sitting in front 3571

1 of you who had access to the grand jury exhibits?
2 A. Yes, I do.
3 Q. In your review of those documents, can you
4 please tell the jury the first time that the grand
5 jury exhibits were accessed and viewed by people
6 other than the Superior Court clerks?
7 A. Stephen Dunkle and Amy Cassel.
8 Q. Did you take some form of identification
9 from Mr. Dunkle?
10 A. Yes. Yes.
11 Q. Okay. Is that noted on your log?
12 A. I have their business cards attached to
13 this.
14 Q. Okay. And Stephen Dunkle works for Sanger &
15 Swysen?
16 A. Correct.
17 Q. Attorneys at Law?
18 A. Correct.
19 Q. And Amy Cassel works for Mason Investigative
20 Group?
21 A. Yes.
22 Q. An investigator?
23 A. Correct.
24 Q. Okay. And what date did they come look at
25 the exhibits?
26 A. June 9th, 2004.
27 Q. Okay. And how long -- what time did they
28 come in and what time did they leave, if that is 3572

1 noted on your log?
2 A. Yes, it is. They came in at 2:53, and they
3 left at 3:45.
4 Q. Okay. And which grand jury exhibits did
5 they look at?
6 A. This one I just put that they had viewed
7 most of them. I didn't specify particularly which
8 ones they viewed.
9 Q. Okay. Just most of them?
10 A. Uh-huh. Correct.
11 Q. And do you have an indication there that
12 they used gloves?
13 A. On this particular one, yes.
14 Q. Okay. Now, prior to anybody coming to view
15 the grand jury exhibits, was a court order required?
16 A. Yes.
17 Q. Okay. When is the next time somebody came
18 to view the grand jury exhibits, please?
19 A. July 20th, 2004.
20 Q. And that was Detective Craig Bonner?
21 A. Correct.
22 Q. Okay. And that was pursuant to a court
23 order as well, correct?
24 A. Correct.
25 Q. Now, was his role that day to take pictures
26 of certain items?
27 A. Yes.
28 Q. And that's what the court order spelled out, 3573

1 correct?
2 A. Yes.
3 Q. And one of those items was Grand Jury
4 Exhibit No. 53?
5 A. Yes.
6 MR. NICOLA: May I approach the witness,
7 Your Honor?
8 THE COURT: Yes.
9 Q. BY MR. NICOLA: I've placed before you
10 Exhibit No. 470.
11 A. No. 470?
12 Q. When we do the trial, we renumber all the
13 exhibits.
14 A. Oh, okay.
15 Q. You're looking at a grand jury exhibit
16 sticker on the back of that briefcase, are you not?
17 A. Yes, I am.
18 Q. Is that exhibit -- Grand Jury Exhibit No.
19 53?
20 A. Yes, it is.
21 Q. Okay. Is that the exhibit that Detective
22 Bonner opened in your presence and took photographs
23 of everything that was in there?
24 A. Yes.
25 Q. Okay. And were you present with him at the
26 time that he did that?
27 A. Yes, the entire time.
28 Q. Did you ever leave grand jury evidence -- 3574

for example, on the June 9th date, did you leave the grand jury evidence unattended?
A. No.
Q. Okay. So you observed everything that would happen with the exhibits?
A. Yes.
Q. And that's how you were assured there would be no tampering, correct?
A. Yes.
Q. Did you watch Detective Bonner remove the contents of the briefcase and begin photographing page for page?
A. Yes.
Q. And Detective Bonner was wearing gloves on that occasion as well, correct?
A. Yes.
Q. When he was finished photodocumenting all the contents of Grand Jury Exhibit 53, also known as People's Exhibit 470, did he replace all the items in the same order that he removed them and close the briefcase again?
MR. SANGER: Objection. Compound; and leading.
MR. NICOLA: Should I rephrase?
THE COURT: Sustained.
Q. BY MR. NICOLA: Okay. When he finished taking the pictures, he put it all back together again? 3575

A. He placed them back in the suitcase.
Whether they were in the same order that they were
taken out, I do not know.
Q. So he may have shuffled them, as far as you
know?
A. Correct.
Q. Did he close the briefcase and hand it back
to you?
A. Yes.
Q. Did he examine other exhibits on that same
day?
A. Yes, he did.
Q. Okay. And did he, in your presence, take
care to handle only one exhibit at a time?
A. Yes.
Q. You made sure of that, I take it?
A. Yes.
Q. Okay. When Detective Bonner left, left from
taking pictures of the exhibits, where did Exhibit
No. 53, also known as Exhibit 470, the black
briefcase, where did that stay?
A. Once he left? It was given back to me and I
put it back in the vault.
Q. Okay. Did you have occasion to pull Exhibit
No. 470, the black briefcase, marked Grand Jury
Exhibit 53, out from the evidence vault again?
A. Do you mean at a later time? Or the same
day? 3576

Q. Later time.
A. Yes.
Q. Would you turn to your log of exhibits and confirm for us whether somebody entered to view exhibits on July 21st?
A. Yes.
Q. Who was there on July 21st?
A. Mr. Sanger and Stephen Dunkle.
Q. Stephen Dunkle would be the attorney who first came to view?
A. Yes.
Q. And "Mr. Sanger" being Mr. Sanger seated to my right?
A. Yes. Robert Sanger.
Q. And did they examine Exhibit No. 53 as well?
A. Yes.
Q. Did they do that in your presence?
A. Yes.
Q. Did they open it?
A. Yes.
Q. And do you recall whether they looked through all the contents?
A. I do not recall if they looked through all of it. I -- I seem vaguely to remember that they viewed some of it, and just saw that they were magazines.
Q. Okay. When they were finished with Exhibit No. 53, also known as People's 470, the black 3577

1 briefcase --
2 A. Uh-huh.
3 Q. -- what did you do with it?
4 A. After they finished viewing all the
5 exhibits, I put everything back in the vault.
6 Q. Okay. Do your records show whether Exhibit
7 No. 53, People's 470, was viewed again prior to its
8 release?
9 A. Yes.
10 Q. When was it next looked at?
11 A. July 27th, 2004.
12 Q. And by whom?
13 A. Stephen Dunkle and Susan Watts.
14 Q. That's a third trip by Attorney Dunkle?
15 A. Correct.
16 Q. And Susan Watts, did she leave you some kind
17 of identifying business card?
18 A. No, she did not.
19 Q. Did Mr. Dunkle just vouch for her?
20 A. Yes.
21 Q. Which exhibits did they look at?
22 A. Looking at this list, it looks like all of
23 them. I could read out each number, if you like,
24 but I have a whole list of numbers.
25 Q. Most, if not all the exhibits?
26 A. Correct.
27 Q. Okay. Was Exhibit 53 viewed by Mr. Dunkle
28 and Ms. Watts? 3578

A. Yes.
Q. Do you recall if they were wearing gloves when they went through the exhibits?
A. The procedure was to wear gloves.
Q. Okay. Was there --
A. I'm sorry.
Q. Let me back up to the date that Mr. Sanger and Mr. Dunkle reviewed the exhibits on July 21st. Were they wearing gloves?
A. Mr. Dunkle was. I believe Mr. Sanger was letting Mr. Dunkle handle them on that date, from what I recall.
Q. And how long were Mr. Dunkle and Miss Watts viewing the evidence on July 27th of 2004?
A. About one hour and ten minutes. They came in at 1:10 p.m. and left about 2:40 p.m.
Q. Okay. Do your records show anyone else coming to look at Grand Jury Exhibit No. 53, also known as People's 470, prior to the date of its release?
A. No.
Q. Okay. What is the procedure for releasing a grand jury exhibit prior to trial?
A. I'm sorry, what was that question again?
Q. Let me rephrase it. What is the procedure to release a grand jury exhibit to one of the parties prior or before the trial starts?
A. The parties would have to get a stipulated 3579

order signed by the Judge.
Q. Okay. And what would you require from the person who would come to pick the item from you?
A. Identification, and I would have the original -- a copy of the order from the clerk.
Q. Okay. Would you take any precautions in preserving either digitally or on some kind of copy the contents of the exhibit that were removed by one of the parties?
A. Yes.
Q. Okay, you would. And in the case of Exhibit No. 53, also known as 470, the black briefcase, was that exhibit removed by Detective Craig Bonner pursuant to a Judge's order?
A. Yes, it was.
Q. Okay. And on what date was that exhibit removed from your custody?
A. On October 1st, 2004.
Q. Did you make Mr. Bonner, excuse me, Detective Bonner, leave you a record of the items that he removed?
A. Yes.
Q. And how did he leave that with you?
A. He left me a disk.
Q. Is that in one of your envelopes there?
A. Yes, it is.
Q. Okay. I'd like to put an exhibit sticker on that, please. 3580

That would be Item 770, next in order.
Could you please describe the Item 770 that I just marked the sticker on? Show the jury what is on the front and on the back; tell them.
A. This is a disk. These are a disk of the exhibits that were released per court order. I also made a notation, by a post-it, of the date that the court order was ordered and the date of the receipt.
Q. Is there a list of exhibit items that are contained on that CD?
A. Yes, there is.
Q. And what does that list say?
A. They have Exhibits 33, 34, 52, 53, 73-A, 73-B, 73-C, 80, 82, and 91. These are all grand jury numbers.
MR. NICOLA: Okay. I'd like to admit 770 into evidence, Your Honor.
MR. SANGER: Objection, Your Honor, it's not relevant. There may be a part of it that's relevant to what just happened. But there's a great deal of irrelevant material on it.
THE COURT: At this time I'll sustain the objection. I'll take it up later, if necessary.
MR. NICOLA: I have no further questions.
THE COURT: Cross-examine?
//
//
// 3581

1 CROSS-EXAMINATION
2 BY MR. SANGER:
3 Q. Miss Romero, how are you?
4 A. I'm fine.
5 Q. Okay. We let you talk today.
6 First of all, is there anything unusual
7 about a defense lawyer coming to -- or a defense
8 lawyer and investigator coming to look at grand jury
9 exhibits?
10 A. No.
11 Q. And at the time that Mr. Dunkle from my
12 office came, and the one time that I came to look at
13 the grand jury exhibits, was the grand jury process
14 completed?
15 A. Yes.
16 Q. In other words, the grand jury had already
17 looked at everything, they'd returned their
18 Indictment, and you were now safekeeping the
19 exhibits?
20 A. Correct.
21 Q. All right. And in particular, we, that is,
22 the defense, who'se representing Mr. Jackson, had to
23 have a court order in order to look at the exhibits;
24 is that correct?
25 A. Right.
26 Q. When Mr. Dunkle and Ms. Cassel came -- Miss
27 Cassel being an investigator and Mr. Dunkle being a
28 lawyer in my office. When they came, did they ask 3582

you if they could take photographs of the exhibits?
A. Yes, they did.
Q. And you told them that they could not; is that correct?
A. Correct.
Q. So it was necessary for us to go back and get a further court order in order to be allowed to take photographs; is that correct?
A. Right.
Q. Now, you remember that Miss Watts came with Mr. Dunkle on the third occasion, correct?
A. Correct.
Q. And at that time, had they received the court order to allow photographs to be taken?
A. I have to check my notes here.
Q. Sure, take your time.
A. This was with Miss Watts, right? And --
Q. Yes. I'll let you take a look. If it's too much trouble, I can ask you another question, which is, did Miss Watts take photographs? Let me try that.
A. Yes.
Q. All right. So I would assume that you would not have allowed her to take the photographs unless you had an order permitting that; is that correct?
A. Correct.
Q. And do you recall Miss Watts being an investigator for our law firm? 3583

A. Yes.
Q. Okay. Now, in between Mr. Dunkle and I came in and looked at the exhibits. At that time we were still not allowed to take photographs; is that correct?
A. Correct. I don't seem to have an order allowing you to take photos yet at that time.
Q. At that time?
A. When you came, uh-huh.
Q. All right. Now, just to do the whole thing at once so we can break it down, during the time that Mr. Dunkle was there from my office, the one that I was there and the two investigators, in other words, those three times, did all of the personnel from my office, including myself, follow all of your directions with regard to preserving and avoiding any contamination of the evidence?
A. As I recall, yes.
Q. And you were sitting there at the table each time taking the evidence out and allowing whoever it was, whether it was me or any of the others, to look at it, correct?
A. Correct.
Q. And none of us touched the evidence in any way that you did not want us to do; is that correct?
A. Correct.
Q. All right. And by the time that we did that, by the time these inspections by the defense 3584

occurred, were you told to wear gloves and to preserve the evidence?
A. Yes, we were. From the very first visit, Mr. Dunkle, and I think it was Cassel, were told to wear gloves at all times.
Q. And we all complied with that, right?
A. Correct.
Q. All right. Now, prior to that, on the day that you got the materials from the grand jury, my understanding is all you did was take them in a box or so?
A. Yes. Gary Blair and Christie Russell, that was the courtroom clerk, brought them about almost six o'clock that evening. And Christie and I, we put it in the vault immediately.
Q. All right. Were anybody -- was anybody wearing gloves?
A. No.
Q. Okay. And after you put them in the vault, you locked it up, and then you came back the next day, correct?
A. First thing the next morning, yes.
Q. And who assisted you in inventorying the material?
A. The courtroom clerk that took the Indictment.
Q. And the courtroom clerk was?
A. Christie Russell. 3585

1 Q. So you and Miss Russell then took the boxes
2 out, and you went through each exhibit to catalog
3 and make sure it was all there; is that right?
4 A. Correct.
5 Q. And did you -- did each of you wear gloves?
6 A. No, we did not.
7 Q. And you were not instructed by law
8 enforcement or other court personnel or anybody else
9 that you should wear gloves; is that correct?
10 A. Correct.
11 Q. Okay. Okay. Thank you. I have no further
12 questions.
13 MR. NICOLA: Just a few, please.
14
15 REDIRECT EXAMINATION
16 BY MR. NICOLA:
17 Q. Go ahead.
18 A. I'm doing my work. Okay.
19 Q. Essentially there was nothing improper in
20 the way that the exhibits were handled by other
21 parties in this case, correct?
22 A. Correct.
23 Q. Okay.
24 A. Correct.
25 Q. When you did your inventory of the exhibits
26 for the first time, did you open up item -- Exhibit
27 No. 470, which is the black briefcase that you know
28 as Exhibit 53? 3586

A. Yes.
Q. Okay. And did you look at every single page that was in there?
A. No, we did not.
Q. How did you handle that? Could you explain that for the jury, please?
A. Okay. When we were inventorying, we had this black suitcase. We have to account for every exhibit, so when we got to the black suitcase, our procedure is, "Is there anything in there that was overlooked that we should make a note on the exhibit card?"
So we looked in it, and all we saw was magazines, and we just sort of like -- I think it was myself rather than Christie, we just sort of moved it, just magazines, and then we just closed it, but we didn't touch all the exhibits.
Q. You don't work for law enforcement, do you?
A. No, I don't.
Q. And law enforcement doesn't get to tell court clerks what to do, right?
MR. SANGER: Objection; calls for speculation.
THE COURT: Sustained.
MR. NICOLA: It's rebuttal to his question. I'll rephrase it, Your Honor.
Q. When Mr. Sanger asked you whether you were told what to do with the exhibits by law 3587

enforcement, is that a common procedure for you?
A. It wasn't necessarily by law enforcement.
It was from Gary Blair.
Q. Okay. So my question is, does law
enforcement generally direct you how to handle
exhibits once they're lodged with the Court?
A. No, they do not.
Q. They become court property at that point,
correct?
A. Correct.
MR. NICOLA: Okay. I have nothing further.

RECROSS-EXAMINATION
BY MR. SANGER:
Q. Okay. But law enforcement did tell you
that -- after you had inventoried everything, at
some point before my office came to look at the
materials, somebody told you that everybody should
wear gloves when dealing with this material,
correct?
A. It was Gary Blair. And I believe Detective
Bonner at one time did mention, "You clerks" -- I
mean, "You should really wear gloves when you're
handling it." It wasn't an order. It was more like
a request.
Q. All right.
A. But I took my instructions from Gary Blair.
Q. Gary Blair is the court administrator? 3588

A. Yes, he is.
Q. So he would be your boss as it were?
A. Correct.
Q. When you say you don't take direction from law enforcement on handling exhibits -- well, I don't know what you said, but let me -- I don't want to put words in your mouth.
Let's put it this way: The fact is, that you've been a courtroom clerk in the past, correct?
A. Correct.
Q. And the fact is, if law enforcement is handling something with gloves and they indicate there may be some reason to check something for fingerprints, you would act accordingly, correct?
A. Correct.
Q. Okay. So if law enforcement were to tell you -- if they had told you before you took possession of these items that you shouldn't go through them because they may be checking them for fingerprints, you would have honored that request, right?
A. Yes, I would have.
Q. Okay. And that has happened before, has it not?
A. Correct.
MR. SANGER: Okay. All right. Thank you.
No further questions.
MR. NICOLA: No redirect, Your Honor. 3589

THE COURT: All right. Thank you. You may step down.
THE WITNESS: Thank you.
MR. AUCHINCLOSS: We'll call Nancy Torres as our next witness.
THE COURT: All right.
Come forward, please. When you get to the witness stand, please remain standing.
Face the clerk over here. And raise your right hand.

NANCY DIANA TORRES
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: Nancy Diana Torres;
T-o-r-r-e-s.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. AUCHINCLOSS:
Q. Good morning, Miss Torres.
A. Good morning.
Q. Who do you work for, please?
A. I work for the Santa Barbara Sheriff's Department, Forensics Unit. 3590

Q. And what do you do for the Santa Barbara
Sheriff's Forensic Unit?
A. I'm an identification technician in the
Forensics Unit.
Q. What is an identification technician?
A. We basically do the same thing as a
forensics detective. We go out to a crime scene and
process it. We also do fingerprint work.
Q. How long have you been an identification
technician?
A. I have been employed as an I.D. technician
for five years.
Q. Have you received any training that
qualifies you for that position?
A. Yes, I have gone to basic fingerprint
pattern-type recognition courses, latent print
comparison and techniques courses, as well as basic
forensic ridgeology courses. And I have a
bachelor's of science degree in chemistry.
Q. Have you had some experience in the field
that has helped you learn your craft in fingerprint
identification procedures?
A. Yes. Every day we do fingerprint
comparisons.
Q. And what techniques are you familiar with in
terms of finding fingerprints?
A. Well, we use a lot of various chemical
techniques, and -- as well as visual techniques that 3591

1 we use.
2 Q. Did you participate in the location of
3 fingerprints on a series of magazines for the case
4 of People v. Michael Jackson?
5 A. Yes, I did.
6 Q. I'd like to show you some exhibits at this
7 time, and begin by asking you, did you participate
8 in the procedure of attempting to locate prints on
9 these items with another I.D. technician?
10 A. Yes, I did.
11 Q. And who was that?
12 A. It was -- my partner was Detective
13 Sutcliffe.
14 Q. Okay. And was he present with you during
15 the entire time that you did the examination of
16 these magazines?
17 A. Yes, he was.
18 Q. All right. Showing you People's 725, Card
19 02, did you help in the processing of this
20 particular magazine?
21 A. Yes, I did.
22 Q. What was your duty on this magazine?
23 A. I helped with the ninhydrin processing
24 portion of it.
25 Q. Okay. Exhibit 726, 03, did you help process
26 this particular magazine?
27 A. Yes, I did.
28 Q. What was your duty or what did you do on 3592

this particular magazine?
A. I helped with the ninhydrin processing of them.
Q. Exhibit 728, Card 05, same question, did you help in processing this?
A. Yes.
Q. What did you do?
A. A ninhydrin processing as well.
Q. Same question for 729, Card 06?
A. Yes. With the ninhydrin processing.
Q. Exhibit 730, Card 07, same question?
A. Yes. And the ninhydrin processing as well.
Q. 731, Card No. 8?
A. Yes. With the ninhydrin processing as well.
Q. All right. 732, Card 09?
A. Yes. Ninhydrin process.
Q. All right. Now, calling your attention to Exhibit 733, Card 10, what did you do in processing this particular latent?
A. I photographed the latent with a Scenescope and I also helped with the ninhydrin processing.
Q. Okay. Were you the finder of this particular print?
A. Yes, I was.
THE COURT: All right. We'll take our break.
(Recess taken.)
--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 3541 through 3593 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 25, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, March 25, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

FRIDAY, MARCH 25, 2005

8:30 A.M.

(PAGES 3595 THROUGH 3725)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter 3595

APPEARANCES OF COUNSEL:

For Plaintiff: THOMAS W. SNEDDON, JR.,
District Attorney -and-
RONALD J. ZONEN, Sr. Deputy District Attorney
-and- GORDON AUCHINCLOSS,
Sr. Deputy District Attorney, -and-
MAG NICOLA, Sr. Deputy District Attorney
1112 Santa Barbara Street Santa Barbara, California 93101

For Defendant: COLLINS, MESEREAU, REDDOCK & YU
BY: THOMAS A. MESEREAU, JR., ESQ. -and-
SUSAN C. YU, ESQ. 1875 Century Park East, Suite 700
Los Angeles, California 90067
-and-
SANGER & SWYSEN BY: ROBERT M. SANGER, ESQ.
233 East Carrillo Street, Suite C Santa Barbara, California 93101
-and-
OXMAN and JAROSCAK
BY: R. BRIAN OXMAN, ESQ. 14126 East Rosecrans Boulevard
Santa Fe Springs, California 90670

1 I N D E X
2
3 Note: Mr. Sneddon is listed as “SN” on index.
4 Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
5 Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
6 Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.
7 Mr. Nicola is listed as “N” on index.
8
9 PLAINTIFF’S WITNESSES DIRECT CROSS REDIRECT RECROSS
10
11 TORRES, 3611-SA Nancy Diana
12
13 SHELLEY, Michelle 3617-A 3623-SA 3528-A
14 WITTENBROCK, James 3629-A 3637-SA 3642-A
15 SPINNER, Robert 3644-N
16
17
18
19
20
21
22
23
24
25
26
27
28 3597

1 E X H I B I T S
2 FOR IN
3 PLAINTIFF'S NO. DESCRIPTION I.D. EVID.
4 471 Photo of female image 3711
5 472 Photo of female image 3711
6 473 Photo of female image 3711
7 474 Photo of female image 3711
8 475 Photo of female image 3711
9 476 Hustler centerfold,
10 August 1992 3711
11 477 Playboy centerfold, Miss October 3711
12 478 Registration card for
13 briefcase 3711
14 479 Playboy centerfold, Miss November 3711
15 480 Playboy centerfold,
16 Miss March 3711
17 481 Hustler centerfold, June 1993 3711
18 482 Page 28 from "G-Spot"
19 article 3711
20 483 Playboy centerfold, unknown date 3711
21 484 Penthouse Page No. 153-154 3711
22 485 Centerfold, Miss May 3711
23 486 Penthouse, Page 8 3711
24 487 Penthouse centerfold 3711
25 488 Playboy centerfold 3711
26 489 Penthouse centerfold 3711
27 490 Penthouse, August 1991 3711
28 491 Penthouse centerfold 3711

1 E X H I B I T S
2 FOR IN PLAINTIFF'S NO. DESCRIPTION I.D. EVID.
3
4 492 Club International centerfold 3711
5 493 Penthouse, double page 6/211 3711
6 494 Penthouse centerfold 3711
7 495 Penthouse, May 1992 3711
8 496 Hustler, Centerfold Special Holiday Honey 1991 3711
9 497 Penthouse centerfold 3711
10 498 Penthouse centerfold 3711
11 499 Penthouse, November 1991,
12 page 159/160 3711
13 500 Playboy centerfold, Miss July 3711
14 501 Playboy centerfold,
15 Miss November 3711
16 502 Playboy centerfold, Miss February 3711
17 503 Playboy centerfold,
18 Miss December 3711
19 504 Al Goldtein's 100 Best Adult Videos advertisement 3711
20 505 Playboy centerfold 3711
21 506 Hustler cover, May 1992 3711
22 507 Page from unknown magazine 3711
23 508 Playboy centerfold, Miss May 3711
24 509 Brown paper envelope 3713
25 510 Stiff Dick for Lynn
26 in binder 3713
27 511 Barely Legal 3713
28 512 Just Legal (Premier Issue) 3714 in binder

1 E X H I B I T S
2 FOR IN PLAINTIFF'S NO. DESCRIPTION I.D. EVID.
3
4 513 Finally Legal in binder 3714
5 514 Playboy, February 1993 in binder 3714
6 515 Hustler, Barely Legal
7 in binder 3714
8 516 Playboy, December 1994 in binder 3715
9 517 Playboy, May 1994 in binder 3715
10 518 Hustler, Barely Legal
11 in binder 3715
12 519 Penthouse in binder 3715
13 520 Visions of Fantasy; A Hard Rock Affair in binder 3712
14 521 Visions of Fantasy, Sam Jose's
15 Black Starlett in binder 3716
16 522 Double Dicking Caroline in binder 3716
17 523 Big Tits and a Hard Stud
18 in binder 3716
19 524 Hustler 3716
20 525 "The Second Female G-Spot" article in binder 3717
21 526 File folder title PRN 3717
22 527 File folder titled "Thank
23 You" 3717
24 528 Celebrity Skin in binder 3717
25 529 Original evidence bag which contained all of 317 3712
26 530 People Magazine page,
27 9-11-00 3701
28 3600

1 E X H I B I T S
2 FOR IN PLAINTIFF'S NO. DESCRIPTION I.D. EVID.
3
4 531 Oui, March 1998 in binder 3701
5 532 Over 50, Volume 5, #9, 1996 in binder 3700
6 533 XX rated, April 1995; XX
7 Close Up, April 1995 in binder 3701
8 534 Just 18, Volume 4,
9 Issue No. 10 3700
10 535 Plumpers centerfold 3700
11 536 Hustler, August 1992 in binder 3700
12 537 Hustler, April 1998
13 (No cover) in binder 3699
14 538 Penthouse, March 1992 in binder 3699
15 539 Juggs, June 1996
16 in binder 3699
17 540 44 Plus, June 1996 in binder 3699
18 541 Plumpers, May 1996
19 in binder 3698
20 542 Club International, March 1998 in binder 3698
21
543 Live Young Girls, September
22 2003 in binder 3701
23 544 Finally Legal, July 2003 in notebook 3702
24 545 Finally Legal Freshman Class
25 Orgy, August 2002 in binder 3702
26 546 Purely 18, October 2002 3703 in binder
27 547 Purely 18, December 2002
28 in binder 3703

1 E X H I B I T S
2 FOR IN PLAINTIFF'S NO. DESCRIPTION I.D. EVID.
3 548 Tight, November 2002
4 in binder 3703
5 549 Hawk, November 2002 in binder 3704
6 550 Hawk, January 2003
7 in binder 3704
8 551 Live Young Girls, June 2003 in binder 3704
9 554 Girlfriends in binder 3709
10 555 Live Young Girls in binder 3709
11 556 Parade 3709
12 557 Finally Legal, February 2003
13 in binder 3710
14 558 Girls of Barely Legal in binder 3710
15 559 Hawk, February 2003 in binder 3710
16 560 Girlfriends, Special Ediitons
17 in binder 3711
18 563 White binder containing The Girls of Penthouse, August
19 2003 in binder 3708
20 564 White binder containing Barely Legal, July 2003
21 in binder 3708
22 566 White binder containing Gallery 9/2002 3708
23 567 White binder containing
24 Gallery 5/2002 3708
25 580 Binder containing Playboy
26 Couples Volume 2, Issue 2 3707
27 584 Original evidence bag 3707
28 3602

1 E X H I B I T S
2 FOR IN PLAINTIFF'S NO. DESCRIPTION I.D. EVID.
3
4 585 White binder containing Barely Legal, Anniversary
5 2002 3707
6 586 Original evidence bag 3705
7 587 White binder containing Naughty Neighbors, December
8 2002 3705
9 714 Brown evidence bag containing Exhibits #584 and #585 3707
10 716 Brown evidence bag containing
11 Exhibits #586 and 587 3643
12 724 Photo of fingerprint, Item 304-D, Barely Legal, July
13 2003, Page 52, Quadrant 12, 3621 3643 Latent 1
14 727 Photo of fingerprint, Item
15 317-O, Hustler Barely Legal 3621 3643
16 742 Photo of fingerprint, Item 363-M, Club International 3622 3643
17 743 Expanded M.J. fingerprint 3650 3651
18 744 Blow-Up of Star Arvizo
19 fingerprint 3651 3651
20 745 Blow-Up of Gavin Arvizo fingerprint 3651 3652
21 746 Fingerprint comparison,
22 Item 304-D, Michael Jackson's left little finger 3680 3680
23 747 Fingerprint comparison,
24 Item 317-L, Star Arvizo's left middle finger 3680 3680
25 748 Fingerprint comparison, Item
26 317-L, Star Arvizo, right index finger 3670 3676
27 749 Fingerprint comparison,
28 Item 317-O, Michael Jackson's left thumb print 3679 3680
3603

1 E X H I B I T S
2 FOR IN PLAINTIFF'S NO. DESCRIPTION I.D. EVID.
3
4 750 Fingerprint comparison, Item 317-R, Michael Jackson's
5 left thumbprint 3680 3681
6 751 Fingerprint comparison, Item 317-R, Gavin Arvizo's
7 left little finger 3681 3682
8 752 Fingerprint comparison, Item 317-R, Gavin Arvizo's
9 left ring finger 3681 3682
10 753 Fingerprint comparison, Item 317-R, Gavin Arvizo's
11 left index finger 3681
12 754 Fingerprint comparison, Item 317-S, Michael Jackson's
13 right thumb print 3682 3682
14 755 Fingerprint comparison, Item 317-S, Michael Jackson's
15 left ring finger 3682 3683
16 756 Fingerprint comparison, Item 317-T, Michael Jackson's
17 left thumb print 3682 3683
18 757 Fingerprint comparison, Item 317-U, Gavin Arvizo's
19 right middle finger 3666 3670
20 758 Fingerprint comparison, Item 317-YY, Gavin Arvizo's
21 left index finger 3683 3683
22 759 Fingerprint comparison, Item 321-A, Michael Jackson's
23 right thumb print 3683 3684
24 760 Fingerprint comparison, Item 321-A, Michael Jackson's
25 right thumb print 3684 3684
26 761 Fingerprint comparison, Item 321-E, Michael Jackson's
27 left thumb print 3684 3684
28 3604

1 E X H I B I T S
2 FOR IN
PLAINTIFF'S NO. DESCRIPTION I.D. EVID.
3
4 762 Fingerprint comparison, Item 321-E, Michael Jackson's
5 right thumb print 3684 3685
6 763 Fingerprint comparison, Item 321-F, Michael Jackson's
7 right thumb print 3685 3685
8 764 Fingerprint comparison, Item 363-M, Michael Jackson's
9 right thumb print 3685 3685
10 772 Power Point, Item 317-U 3667 3712
11 773 Power Point, Item 317-L 3671 3712
12 774 Power Point, Item 317-O 3578 3712
13 775 Chart showing basic fingerprint patterns 3717 3718
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28 3605

THE COURT: Counsel?
MR. AUCHINCLOSS: Thank you, Your Honor.
Q. All right. Miss Torres, where I left off, we were at Item No. 10, and I believe 733, and you said you identified that particular fingerprint with the Scenescope?
A. Yes, I did.
Q. Have you had training with the Scenescope?
A. Yes, we had training with the Scenescope.
Q. And have you used it, had some experience using it before this case?
A. Before this case, we only had the training that we received, and that was basically it.
Q. You say "we," or "you"?
A. We as a unit --
MR. SANGER: I can't hear the answer.
THE COURT: I didn't either.
THE WITNESS: We as a unit received training using the Scenescope.
Q. BY MR. AUCHINCLOSS: Okay. And who did you receive that training from?
A. Spex.
Q. Okay. The manufacturer came out and trained you?
A. Yes.
Q. All right. Now, moving on to Exhibit 734, Card No. 11, how did you help in the processing of this fingerprint? 3606

A. I photographed the latent print with a Scenescope and I helped with the ninhydrin processing.
Q. Okay. Now, when you say you helped with the ninhydrin processing of these items, this would be not for this particular print that is green. Is it fair to say that a green print indicates it's a Scenescope print?
A. Correct.
MR. SANGER: I'm sorry. Objection; leading.
MR. AUCHINCLOSS: It's expert testimony.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: All right. What does the green indicate?
A. It indicates that the latent was photographed using a Scenescope.
Q. All right. Thank you.
Moving on to Exhibit 735, Card No. 12.
A. I helped with the ninhydrin processing.
Q. On that particular latent?
A. Yes.
Q. Did you assist in processing Exhibit No. 736, Card 13?
A. Yes, I photographed using the Scenescope and helped with the ninhydrin processing.
Q. All right. Looking at Exhibit 737, Card 14, did you assist in processing this print?
A. Yes, with the ninhydrin process. 3607

Q. So that would be just on this page? This
print wasn't a ninhydrin print, was it?
A. No, it was photographed using the
Scenescope.
Q. All right. As far as the particular exhibit
on 738, Card No. 15?
A. I assisted with the ninhydrin processing.
Q. Of this page?
A. Of that page.
Q. Exhibit 739, Card No. 16?
A. I assisted with the ninhydrin processing on
that page.
Q. Exhibit No. 740, Card No. 18?
A. I photographed the latent print using the
Scenescope, and assisted with the ninhydrin
processing.
Q. And Card 741 -- or I'm sorry, Exhibit 741,
Card 18.
A. I assisted with the ninhydrin processing.
Q. Thank you.
Your Honor, if we could have "Input No. 1"
at this time?
All right. Miss Torres, calling your
attention to only those prints in which you said you
were the identification technician who found the
prints, I'm now asking you -- I'm showing you Card
No. 10, which is Exhibit 733. Were you the finder
of this particular fingerprint? 3608

A. Yes, I was.
Q. And where did you find that print?
A. On Item 317, Sam, a "Penthouse" magazine,
page 87, Quadrant 7 and labeled as Latent 1.
Q. And that "Latent 1," what does that
indicate?
A. That that was the first latent that we
located using the Scenescope.
Q. All right. Calling your attention now to
Card No. 11, which is Exhibit 734, did you locate
that print?
A. Yes, I did.
Q. And where did you locate it?
A. On Item 317, Tom, T, "Visions of Fantasy,
A Hard-Rock Affair", September 1993, page three,
Quadrant 4 and 5, and labeled as Latent 1.
Q. All right. Moving on to Card No. 13,
Exhibit No. 736, did you find that fingerprint?
A. Yes, I did.
Q. And where did you find it?
A. On Item 317-YY, "Al Golstein's 100 Best
Adult Videos," page A, Quadrant 15, and labeled as
Latent 1.
Q. And lastly, Exhibit No. 740, Card No. 17,
did you find that fingerprint?
A. Yes, I did.
Q. And where did you find that?
A. On Item 321-E, "Girls of Barely Legal," page 3609

seven, Quadrant 15, and labeled as Latent 1.
MR. AUCHINCLOSS: Could we have the lights, please?
Q. All right. Taking those four fingerprints in order, I now show you Exhibit 769, page ten. Does that show the fingerprint and the location on the page where you found that fingerprint, Item 317-S, "Penthouse", page 87, Quadrant 7, Latent 1?
A. Yes.
Q. Showing you now Page no. 11 of this exhibit, does that show the fingerprint that you found on that page and its location on Item 317-T, "Visions of Fantasy, A Hard-Rock Affair," September 1993, page three, Quadrant 4 and 5, Latent No. 1?
A. Yes.
Q. Calling your attention now to page 13, does that page show the latent fingerprint that you located on Item No. 317-YY, "Al Golstein's 100 Best Adult Videos," page A, Quadrant 15, Latent 1?
A. Yes.
Q. And lastly, page 17. Does page 17 show a fingerprint and its location on a page of Item 321-E, "Girls of Barely Legal," page seven, Quadrant 15, Latent 1?
A. Yes.
MR. AUCHINCLOSS: If I could have "Input 1" again, Your Honor. I'm going to bring those images up on the screen right now. 3610

MR. SANGER: I'm going to object, Your Honor. This is cumulative and 352.
MR. AUCHINCLOSS: We haven't shown these images yet.
THE COURT: Overruled.
Q. BY MR. AUCHINCLOSS: All right. Is this the fingerprint that you located on Exhibit No. 733, Card No. 10?
A. Yes.
Q. Next, does that picture, fingerprint, indicate the location of the fingerprint that you found on Exhibit No. 734, Item No. -- Card No. 11?
A. Yes.
Q. The next slide, does that slide show the location of the fingerprint that you found on Exhibit No. 736, Card No. 13?
A. Yes.
Q. And lastly, does that fingerprint indicate the location on the page where you found the fingerprint on Exhibit 740, Card No. 17?
A. Yes.
MR. AUCHINCLOSS: Thank you. No further questions.
THE COURT: Cross-examine?

CROSS-EXAMINATION
BY MR. SANGER:
Q. Miss Torres, how are you? 3611

A. Good, thank you.
Q. How long have you been -- I think you said you were with forensics for five years with the sheriff's department; is that correct?
A. Correct.
Q. Do you have any prior law enforcement training?
A. No, I don't.
Q. And you're not a deputy sheriff or a sworn peace officer; is that correct?
A. Correct.
Q. And in your five years, have you worked exclusively on fingerprints?
A. I've worked on fingerprints and crime scene investigations.
Q. Okay. So the answer would be no, you have not worked exclusively on fingerprints, correct?
A. Correct.
Q. You've done a number of other tasks with regard to crime scene investigations?
A. Correct.
Q. And you're familiar with the need to properly label and preserve evidence; is that correct?
A. Yes.
Q. All right. Now, are you a latent print examiner?
A. I am a latent print examiner in training. 3612

Q. Okay. A trainee. How long have you been in that capacity?
A. I would say for the last four years.
Q. Okay. And are you certified by any organization?
A. No.
Q. So you're gaining your experience as a -- let me withdraw that.
You're gaining your training to be a latent print examiner from your work at the sheriff's department?
A. From work and through training courses.
Q. You're also taking some courses?
A. Exactly.
Q. All right. In this particular case, you did not do any comparison of the fingerprints; is that correct?
A. Correct.
Q. And your job was to pretty much bring the prints up, best you can, and preserve them so that they can be looked at by other people, correct?
A. Correct.
Q. All right. Now, you indicated that you used the Scenescope, which we've heard about before in this case, all right?
And how long -- let me withdraw that.
You're here in Santa Maria; is that correct?
A. Correct. 3613

Q. How long has the Santa Maria office of the sheriff's department had a Scenescope?
A. We had had it only for a couple of months prior to us receiving this case.
Q. Okay. When did you receive this case?
A. We were assigned to process the items on, I believe -- if I may refer to my reports.
Q. Okay. If you can't recall, you may do that.
A. The first item that we processed was -- we began processing on September 16th of 2004.
Q. Okay. So when you say, "When we received this case," you mean when your forensics unit received an assignment in this case, correct?
A. Yes.
Q. All right. And you recall having the Scenescope for about two months before September 16th?
A. Several months.
Q. Okay. About when did you receive it?
A. I would say about five months prior.
Q. Five months prior. Okay. Had you ever used the Scenescope before you received it?
A. We had had one training day on it, but our Scenescope had a malfunction, so it had to be sent back.
Q. When was that training day?
A. That was -- I don't recall.
Q. Now, the Santa Barbara office of the 3614

sheriff's department also had a Scenescope; is that correct?
A. Correct.
Q. Did they get theirs at the same time?
A. Yes.
Q. And did you have training together?
A. On the same day.
Q. On the same day. And you're saying -- forgive me for asking again, but you're saying you don't recall the training day?
A. I don't recall the exact date of the training day.
Q. Roughly when was it?
A. I don't recall the exact month, if that's what you're asking for.
Q. So you got the machine about five months before September. So April?
A. About that time.
Q. Okay. Could have been May?
A. It could have been.
Q. All right. And did you have your training day about the time you received the machine?
A. No, we had the training day before we received our machine.
Q. Okay. And then at some point, the machine didn't work, you sent it back, got another machine. When did you get the machine that worked?
A. When did we get the machine to work? I 3615

1 believe about a month or two before we began to
2 process the items.
3 Q. Okay. So July or so of 2004?
4 A. I would say.
5 Q. Okay. And did you process any prints in any
6 case for the purpose of testimony in court -- I mean
7 a real case. Did you process any prints in a real
8 case, before you started working on this case, using
9 the Scenescope?
10 A. No.
11 MR. SANGER: All right. I have no further
12 questions.
13 MR. AUCHINCLOSS: No further questions.
14 THE COURT: Thank you. You may step down.
15 THE WITNESS: Thank you.
16 MR. AUCHINCLOSS: My mistake, I should have
17 let the bailiff know to have our witness already
18 here.
19 THE COURT: Okay.
20 MR. AUCHINCLOSS: Our next witness we will
21 be calling is Michelle Shelley. And she's on her
22 way down.
23 And if I could get a "Black Screen" again,
24 Your Honor, please.
25 Thank you.
26 THE COURT: Come to the front of the
27 courtroom, please. Remain standing when you get to
28 the witness stand. 3616

Face the clerk here and raise your right hand.

MICHELLE SHELLEY

Having been sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please be seated. State and spell your name for the record.

THE WITNESS: My name is Michelle Shelley; M-i-c-h-e-l-l-e, S-h-e-l-l-e-y.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Good morning, Miss Shelley.

A. Good morning.

Q. In 2004 --

BAILIFF CORTEZ: Get the mike closer.

MR. AUCHINCLOSS: Thank you.

Q. In 2004, who were you employed by?

A. Santa Barbara County Sheriffs.

Q. And what did you do for the sheriff's department?

A. I was an I.D. technician. I worked for Criminal Records, and then I was brought over to work for the Forensics Division, this particular case, due to my background. 3617

Q. And was this case the People v. Jackson case?
A. Yes, it was.
Q. Tell me about your training to become an I.D. technician.
A. I went to Western Mellon College majoring in criminal history, concentrated in forensics, and I worked for the Delaware State Police for two years. Moved out here to California, and became employed by Santa Barbara Sheriffs. I also have a diploma from the American Institute of Applied Science in forensics.
Q. And have you had any specialized training in the location of latent fingerprints?
A. No, sir.
Q. All right. Have you had any on-the-job training in the location of latent fingerprints?
A. Yes, sir.
Q. Could you describe that for me, please.
A. Just general working practice with a latent examiner I worked with in Delaware, as well as here with Santa Barbara Sheriff.
Q. Okay. Did part of your forensics training include locating latent fingerprints and different processes -- well, let me break that question up, it's compound -- locating latent fingerprints?
A. Yes.
Q. And did some of your general training in 3618

forensic science include processing various items to make visible latent fingerprints?
A. Yes, it did.
Q. All right. Have you had experience with cyanoacrylate ester fuming?
A. Yes, I have.
Q. Or super glue fuming?
A. Uh-huh.
Q. Prior to this case?
A. Yes.
Q. On how many occasions?
A. Specific numbers, I can't remember. Quite a few times.
Q. Quite a few times?
A. Uh-huh.
Q. All right. Can you tell me, what were you called in to do? What were your duties with regard to the case of People v. Michael Jackson?
A. I was brought in for extra help. I was assisting Detective Spinner and Detective Wittenbrock on processing some of the evidence, splitting it up, putting it in plastic sleeves, super gluing it, and then hydrating it.
Q. Who was it that was in charge of splitting up the magazines initially and placing them in sleeves?
A. Detective Spinner.
Q. Did you assist Detective Spinner in that 3619

task?
A. Yes.
Q. And who was also charged with the initial fuming -- super glue fuming of all the magazines?
A. Detective Spinner.
Q. And did you assist Detective Spinner in that task?
A. Yes.
Q. At some point did you team up with I.D. Tech Wittenbrock to assist him in his look -- in his analysis and checking for latents on some of these exhibits?
A. Yes.
Q. And what was your assignment with Detective Wittenbrock?
A. I was assisting him in pulling out the pieces of magazine. Basically to speed up the process, because we had such a vast volume, I would pull them out, pass them over to him. He would then scan them. I would assist in writing labels if we found a print. I would also directly type in our findings into our computer for our reports.
Q. All right. And did you assist him or anybody else in the ninhydrin processing of some of these magazines?
A. Yes, I did.
Q. Have you had previous training in using ninhydrin? 3620

A. Yes, I have.
Q. And previous experience in using ninhydrin?
A. Yes.
Q. On how many occasions have you used it, if you can recall, approximately?
A. Again, the super glue, numerous occasions. I can't exactly recall.
Q. All right. All right. I'm going to ask you some specific questions about -- there I've done it. About specific exhibits. And we'll go through these fairly rapidly, but I'm going to show you each exhibit, and I want you to tell me if you assisted in the processing of this particular fingerprint or assisted in the processing of the page that this fingerprint came from.
A. Okay.
Q. As in a ninhydrin that had previously been found to be --
THE BAILIFF: Can't hear you back there.
THE WITNESS: Oh, sorry.
Q. BY MR. AUCHINCLOSS: All right. So, let's look first at Exhibit 1 -- I'm sorry, Card 1, Exhibit 724. Did you have any part in the processing of this particular page or fingerprint?
A. Yes, sir, I did the ninhydrin on that print.
Q. Okay. Looking now at Card 727 -- I should say Card 4, Exhibit 727.
A. I did the ninhydrin on that as well. 3621

Q. Okay. And I should mention that neither of these prints is a ninhydrin print; is that correct?
A. Correct.
Q. Moving on to -- moving on to Card 737, also is Card 14.
A. I assisted with the fuming on that particular card.
Q. Okay. Assisting Detective Spinner?
A. Yes, sir.
Q. Moving on to Card 15, Exhibit 738.
A. That is the same. I assisted Detective Spinner in the fuming or -- yes, the fuming of that card.
Q. All right. Exhibit 739, Card 16?
A. As well, I assisted Detective Spinner on the fuming of that card.
Q. Exhibit 740, Card 17?
A. I assisted on the fuming, Detective Spinner, of that card.
Q. Exhibit 741, Card 18?
A. I assisted on the fuming with Detective Spinner on that card.
Q. And Exhibit 742, Card 19?
A. I worked on the fuming, with Detective Spinner, on that card. I also did the ninhydrin with Detective Wittenbrock on that card.
Q. But this is a fuming and Scenescope identification on this? 3622

A. Yes, sir, it is.
MR. AUCHINCLOSS: Thank you. I have no further questions.
THE COURT: Cross?

CROSS-EXAMINATION
BY MR. SANGER:
Q. Hi.
A. Hi.
Q. You are not employed by the sheriff anymore?
A. No, sir, I'm not.
Q. How are you employed now, just in general?
A. I'm currently in the process of returning to my previous job with the Delaware State Police.
Q. Okay. And what was your previous job?
A. I was an I.D. technician for them.
Q. All right. So you went to college and studied criminal justice?
A. Uh-huh.
Q. Criminal history, I think you said?
A. Criminal justice.
Q. Criminal justice, okay. Did you, while you were in college, do any actual fingerprint work?
A. Yes, sir, I did.
Q. And were you employed by the State of Delaware while you were in college?
A. No, sir. I was employed with them after 3623

1 graduation.
2 Q. Oh. So while you were in college, did you
3 do work on actual cases, or did you do work in a
4 class?
5 A. I did work in a class, but it was on case
6 studies.
7 Q. Case studies. So it was part of classwork?
8 A. Yes, sir.
9 Q. So you were with the Delaware State Police
10 for two years?
11 A. Yes.
12 Q. And were your duties to do things other than
13 fingerprints?
14 A. No, sir. I specifically concentrated on
15 fingerprints.
16 Q. Just did fingerprints, okay. And you came
17 to Santa Barbara, and you worked in records for the
18 sheriff's department; is that correct?
19 A. Yes, sir, I did.
20 Q. And records has nothing to do with
21 chemically enhancing fingerprints or that sort of
22 thing; is that correct?
23 A. No, sir, it was to get my foot into the
24 door, hopefully to transfer back into my field.
25 Q. Okay. I'm not trying to be rude to you.
26 A. No, not at all.
27 Q. But in other words, the work that you were
28 doing at Santa Barbara Sheriffs had nothing to do 3624

with what you wanted to do, which was be an I.D. tech?
A. It was a means to an end, yes.
Q. And you applied for a position as an I.D. tech in Santa Barbara?
A. Yes, I did.
Q. And other than working on this case as extra help, you did not get that position; is that correct?
A. No, I have since then moved back to Delaware.
Q. But in any event, the answer to the question is, you did not get the position in Santa Barbara, other than working as extra help on Mr. Jackson's case?
A. Correct.
MR. AUCHINCLOSS: I'll object as assuming that she applied for a position.
THE COURT: Sustained.
Q. BY MR. SANGER: Did you apply for a position as an I.D. tech in Santa Barbara?
A. After the Michael Jackson case was over, I applied, and in the process moved to Delaware.
Q. Okay. Now, having said all of that, have you used the Scenescope before you used it here on the Michael Jackson case?
MR. AUCHINCLOSS: Objection, assumes facts not in evidence, that she used the Scenescope. 3625

THE COURT: Overruled.
You may answer.
THE WITNESS: I've had some experience with it. It's not my specialty.
Q. BY MR. SANGER: Okay. What experience have you had?
A. I have worked getting general education from a previous latent examiner that I worked with in Delaware.
Q. Are you a latent print examiner yourself?
A. No, I'm not.
Q. And you mentioned somebody in Delaware?
A. Yes, sir.
Q. Did that person have a Scenescope?
A. Yes, sir.
Q. And how many times did you actually use the Scenescope in a criminal case?
A. Not personally on a criminal case. I would look at it, getting general education.
Q. All right. So the first time you ever used the Scenescope in a criminal case was in the Michael Jackson case?
A. Correct.
Q. And were you making decisions as to how the various items of evidence should be processed?
A. No, sir.
Q. You were pretty much helping and doing as directed? 3626

A. Correct.
Q. And the people directing you were?
A. Detective Spinner and Detective Wittenbrock.
Q. All right. Is there anybody else on your forensic unit, in your forensic unit, in Santa Barbara doing this?
A. We have -- are generally headed by Sergeant Julio Santana, who would give general direction, but he's the head of our department.
Q. Okay. Was he giving general -- I guess my point is, was he working on this case?
A. He was heading the case.
Q. All right. Did he do any actual physical work on this case?
A. Not to my knowledge.
Q. Okay. And the direct -- the directions that you received came directly from either Detective Wittenbrock or Detective Spinner; is that right?
A. Yes.
Q. All right. Did you receive training on the Scenescope from the Spex company?
A. No, sir.
Q. Were you aware that there was a training day held on the -- with regard to this instrument for the Santa Barbara Sheriff's personnel?
A. No, sir.
MR. SANGER: All right. No further questions. 3627

MR. AUCHINCLOSS: Just one question.
THE WITNESS: Sure.

REDIRECT EXAMINATION
BY MR. AUCHINCLOSS:
Q. Miss Shelley, were you the finder, photographer, for any fingerprint of these 19 prints that we've talked about or that have been presented in this case?
A. No.
MR. AUCHINCLOSS: Thank you. No further questions.
MR. SANGER: No further questions.
THE COURT: All right. Thank you. You may step down.
MR. AUCHINCLOSS: Call Detective Jim Wittenbrock.
THE COURT: When you get to the witness stand here, please remain standing. Face the clerk and raise your right hand.

JAMES WITTENBROCK
Having been sworn, testified as follows:

THE WITNESS: Yes, I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: My name is James Wittenbrock; 3628

W-i-t-t-e-n-b-r-o-c-k.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. AUCHINCLOSS:
Q. Good morning, Detective Wittenbrock.
A. Good morning.
Q. Who are you employed by?
A. I'm retired now.
Q. All right. And who were you previously employed by?
A. Santa Barbara Sheriff's Department.
Q. And what did you do for the sheriff's department when you worked for them?
A. 28 years total. Out of -- the last four years I was assigned as a detective in the Criminal Investigations Division, Forensics Unit.
Q. All right. Have you had any training that qualifies you for such a position?
A. Yes, sir.
Q. And can you describe that for us?
A. May I refer to a list?
Q. Sure, if it would help refresh your recollection.
A. Limiting to more or less the fingerprints and that part of the forensics detail, I had 40 hours of basic crime scene investigation in 2001. 24-hour fingerprint pattern recognition class put on 3629

by the Department of Justice. Another eight hours
in basic crime scene investigation. In 2002, 40
hours DOJ class on latent techniques. And again in
2000 at the DOJ, a latent print comparison class.
Q. And have you had some experience, actual
hands-on experience in this area?
A. Yes, sir. Even in patrol, we frequently
searched for prints and collect prints. Daily
duties while I was with the forensics detail, we'd
be searching, documenting, recording and looking at
prints on a very regular basis.
Q. Have you had training in the use of super
glue fuming techniques to enhance fingerprints?
A. Yes, sir.
Q. Have you had training in the use of
ninhydrin as a chemical process to reveal
fingerprints?
A. Yes.
Q. Have you had training in the use of the
Scenescope in using it to attempt to view latent
fingerprints?
A. I had some training when I was brought back
to assist. I went to the Santa Maria lab and spent
a day up there with the technicians and went through
the process, information on the Scenescope. I also
referred to the manual.
Q. All right. Is the Scenescope difficult to
use? 3630

A. No.
Q. Why do you say that?
A. It's -- it's a lens. You turn the switch on and you focus it and you search. In this case, it was searching a page, and it's quite simple.
Q. So the Scenescope has how many parts to it?
A. It's got the front filter and lens assembly. It has an intensifier tube that attaches to that. And in our case, we attached the digital camera above that tube.
Q. So you've got a camera, the Scenescope and something else. What did you call it?
A. The Scenescope is in two parts.
Q. Okay.
A. There's -- the first part is similar to a lens with a filter. The second part's an electronic intensifier, amplifier-type apparatus, and above that we had the digital camera attached.
Q. All right. Is it any more complicated than moving the different pieces around and focusing it to get a clear image?
MR. SANGER: Objection. Vague; compound; calls for speculation.
THE COURT: Overruled.
You may answer. Do you want the question read back?
THE WITNESS: Yeah, please. Please.
MR. AUCHINCLOSS: Okay. 3631

THE WITNESS: I'm sorry, a little hard of hearing.
(Record read.)
THE WITNESS: No. It's -- the focusing would take a few seconds, a few moments, but it wasn't difficult.
Q. BY MR. AUCHINCLOSS: All right. Did you participate in a search for latent fingerprints on a number of magazines in the case of People v. Michael Jackson?
A. Yes, sir.
Q. And what was your assignment?
A. My assignment was to use the Scenescope and search, in my case, several magazines for latents or developing prints on the magazines. And after that, they were processed with the ninhydrin, and then another search of all those magazines I did all myself.
Q. Had the magazines that you searched with the Scenescope been previously processed in any fashion?
A. Yes, they had.
Q. In what fashion?
A. They'd received a cyanoacrylate fuming process, which is commonly referred to as super glue fuming.
MR. AUCHINCLOSS: All right. If I may approach, Your Honor.
Q. I'll show you a few exhibits. Three, to be 3632

specific. I show you Exhibit No. 724, Card No. 1.
Can you identify that for me, please?
A. Yes, I can.
Q. What is it?
A. That's an image from the Scenescope I photographed on Item 304-D.
Q. Using the Scenescope?
A. Yes.
Q. And can you tell me -- well, I'll get to that in a moment.
Showing you now Exhibit No. 727, Card 04, can you identify that for me, please?
A. Yes, it was Item 317-OO. It was a latent from using the Scenescope from page two.
Q. And did you locate that latent fingerprint?
A. Yes, I did.
Q. Finally, Exhibit No. 742, Card 19, can you identify this for me, please?
A. Yes. This was Evidence Item 363-M, and this latent I photographed off of page 57.
Q. All right. Also a Scenescope photograph?
A. Yes.
Q. While I am here, I will show you page one of Exhibit No. 769. Can you identify that for me, please?
A. Yes. That, again, shows the Scenescope photo from Item 304-D, page 52, and it indicates where it was photographed on the actual page, where 3633

I circled it.
Q. And that's where you located that particular print, where the green arrow points?
A. Yes, sir.
Q. Showing you Page No. 4 of Exhibit 769, can you identify that?
A. If you could turn it so I could read the tag there.
Yes, that's Item 317, page two.
Q. Is that a latent fingerprint that you located on that particular page where the green arrow points?
A. Yes, it is, and where I circled it.
Q. And showing you Page No. 19, please identify that for me.
A. Okay. That's Item 363-M, page 57, and it's circled where I photographed it with the Scenescope on that page, circled.
Q. And that shows the location with a green line where you found that particular print?
A. Yes, it does.
Q. All right. Detective, I'm going to ask the Court at this time to go to Input....
Well, if you could just give me a moment, Your Honor, to download the proper Power Point.
All right. Could we go to "Input 1," please, Your Honor?
THE BAILIFF: Hit the "PC" button. 3634

Q. BY MR. AUCHINCLOSS: All right. Detective, is that Card 724 -- Exhibit 724, Card No. 1, that I just showed you?
A. I believe so. I --
Q. Okay. I'll leave them up here with you.
A. Okay.
Q. So you can refer to them, if you please. And is that the fingerprint that you found on Item 304-D, "Barely Legal," July 2003, page 52, Quadrant 12, Latent 1?
A. Yes, it is.
Q. Showing you Card No. 4, Exhibit 727, is that the fingerprint that you located on Item 317-O, Hustler, "Barely Legal," August 2003, page two, Quadrant 11, Latent 1?
A. Yes, sir.
Q. Showing you Exhibit No. 742, Card 19. Is that the latent that you found on Item 363-N, "Club International," March 1998, page 57, Quadrant 15, Latent 2?
A. Yes, it is.
Q. Going back to the first latent again, does this page -- does this exhibit -- this is page one of -- I believe 769 is the exhibit. Is this where you located the latent identified on Card No. 1, Exhibit 724?
A. I believe this is page 52?
Q. Yes, page 52. 3635

A. That's correct.
Q. All right. And does this exhibit -- that is identical to page four of Exhibit 769. Does this show where you found the latent identified on Card No. 4, Exhibit 727?
A. Yes. This is page two, yes.
Q. Yeah, well, it's -- it's -- it's known as -- it's on page four of that particular notebook that I showed you out of, but it's on page two of Item 317-O; is that correct?
A. Correct.
MR. SANGER: I'm going to object to counsel testifying. It's not a question.
THE COURT: Sustained.
MR. AUCHINCLOSS: All right.
Q. And finally, showing you page 19 of the notebook exhibit that I showed you, does this fingerprint show the location of the fingerprint that is on Card 19, Exhibit 742?
A. Yes, that's correct.
Q. That's the location on the exact page that you found that print?
A. Yes, on page 57 of that item.
MR. AUCHINCLOSS: Thank you.
No further questions.
THE COURT: Counsel?
//
// 3636

1 CROSS-EXAMINATION
2 BY MR. SANGER:
3 Q. Detective, how are you?
4 A. Good morning, sir.
5 Q. I guess now you're Mister; is that right,
6 retired?
7 A. Trying to.
8 Q. Trying to. Okay. Can I still call you
9 Detective; is that okay?
10 A. Certainly.
11 Q. Having done that for some time.
12 You were 24 years in the sheriff's
13 department before you went into the Forensics
14 Bureau; is that correct?
15 A. Approximately.
16 Q. And then you spent the last four years doing
17 forensics?
18 A. Yes.
19 Q. All right. And you told us about your
20 training. Did you have any training on a Scenescope
21 other than what you received from the I.D. tech in
22 this case?
23 A. No, sir. I was retired during that time. I
24 believe it was a four-hour demo they had.
25 Q. Okay. They had a demo from the
26 manufacturers?
27 A. Yes.
28 Q. And you missed that one? 3637

A. Yes.
Q. And then you went up to Santa Maria, if I understand this?
A. That's correct.
Q. And you met with who?
A. Detective Sutcliffe and Detective -- Tech Torres.
Q. I.D. Tech Torres, Miss Torres?
A. Yes.
Q. And they told you how to work the Scenescope?
A. Correct.
Q. All right. Now, you told the District Attorney that it wasn't particularly hard to do, I think.
A. I don't think it is.
Q. Were you familiar with the issues regarding there should be a film camera used or a digital camera used?
A. Actually, I -- I actually called the factory and inquired into some of the different cameras. They sell it with digital cameras, and you can use a film camera.
Q. When did you call?
A. This was back when I was doing this processing, right at the very first or second day.
Q. Were you aware that they recommend that a film camera be used? 3638

A. They sell this camera with low-resolution digital cameras. I'm not aware that they recommend the 35-millimeter or any film camera.
Q. That was my question. Are you aware that they recommend a 35-millimeter film camera?
A. No.
Q. Are you aware that the reason for using a film camera is that there is a better resolution, a better result in the actual photograph?
MR. AUCHINCLOSS: Assumes facts not in evidence, that they recommend a different camera.
MR. SANGER: That's in evidence.
THE COURT: The objection is overruled.
Do you want the question read back?
THE WITNESS: Try the question one more time, please.
THE COURT: Read it back.
(Record read.)
THE WITNESS: I'm not aware of that. I would not agree with that.
Q. BY MR. SANGER: Okay. Do you know whether or not a digital camera is likely to wash out some of the detail in a print that would otherwise be captured on 35-millimeter film?
A. Could you qualify the digital camera a little bit? It's a very -- covers a lot of digital cameras.
Q. Okay. Well, without talking about 3639

particular digital cameras, have you heard of this being a problem in developing latent prints?
A. No.
Q. Did you have any training with regard to the interrelation between the process of super glue fuming and the use of the Scenescope?
A. I had some -- I'm sorry, I don't quite --
Q. That's fine. Let me ask you this: Were you aware that with the Scenescope, if you overfumed the super glue, you could lose detail?
A. You could overfume separate from using the Scenescope. You can overfume that process to where you lose detail on the print.
Q. You can over -- if you really overfume, you can pretty much just obliterate the print, blot it out; is that correct?
A. Absolutely, and it would be useless.
Q. Were you aware that with a Scenescope, you can decrease the amount of fuming and enhance the print more efficiently with less fuming?
A. I think that's a fair statement, yes.
Q. Did you know that at the time you were doing this?
A. Yes. Yes.
Q. Did you have any input to Detective Spinner -- let me withdraw that. Detective Spinner is the one that did the fuming?
A. He did some of the fuming. 3640

Q. Did you do any of the fuming?
A. No.
Q. Did you have any input into the fuming process to whoever was doing the fuming?
A. Yes.
Q. Did you explain to them that they should use -- they should decrease the amount of fuming because you were using a Scenescope?
A. Yes.
Q. And who did you tell that to?
A. That was both Detective Spinner and Michelle Shelley. Michelle Shelley.
Q. Okay. And what you want to do -- now, are you a latent print examiner?
A. I examine latent prints. I am not -- I was not trained for the comparison part, but as an examiner I do examine prints.
Q. So you don't do comparisons?
A. Training -- I did a lot of comparisons, but I was not at the level, the top level to actually do the -- I was training in comparisons.
Q. All right. So you were a latent print trainee?
A. Comparison trainee, yes.
MR. SANGER: All right. Thank you. No further questions.
//
// 3641

1 REDIRECT EXAMINATION
2 BY MR. AUCHINCLOSS:
3 Q. Detective, if you overfume a print, what is
4 the result?
5 A. It's a degradation of the clarity of the
6 print, as has been said. It fills in between the
7 ridges.
8 Q. Is it visible?
9 A. Yes.
10 Q. Have you had an opportunity to look at all
11 the prints, these 19 prints on these cards that we
12 have presented here?
13 A. I've had the opportunity. I haven't really
14 looked at them in detail.
15 Q. Okay. But you have looked in detail with
16 the three that you testified about?
17 A. Yes.
18 Q. Any of them overfumed?
19 A. No.
20 MR. AUCHINCLOSS: Thank you. No further
21 questions.
22 MR. SANGER: No further questions.
23 THE COURT: All right. Thank you. You may
24 step down.
25 THE WITNESS: Thank you.
26 THE COURT: Call your next witness.
27 MR. NICOLA: Sergeant Bob Spinner.
28 MR. AUCHINCLOSS: Your Honor, at this time I 3642

1 would like to admit into evidence People's Exhibit
2 769 and People's Exhibit 724, 727 and 742.
3 MR. SANGER: 742 is the book?
4 MR. AUCHINCLOSS: 769 is the book.
5 MR. SANGER: I'd object to 769 on two
6 grounds. One -- well, three. One, it's cumulative;
7 two, 352; three, at least one of the pages has not
8 been properly identified.
9 THE COURT: Which page?
10 MR. SANGER: There was an objection
11 sustained, and there was no testimony regarding that
12 page.
13 MR. AUCHINCLOSS: I'm unfamiliar with that.
14 THE COURT: Other than for -- I'll withhold
15 ruling based on that one objection. The other two
16 objections are overruled, and the 352 specifically
17 is overruled.
18 I'll ask you to consult with each other so
19 you can -- you know you're talking about the same
20 page, so that you're on the same page.
21 MR. SANGER: There you go.
22 THE COURT: Can we do that at the break?
23 THE CLERK: Are the other exhibits received?
24 THE COURT: The other exhibits are received.
25 Would you raise your right hand?
26
27 ROBERT SPINNER
28 Having been sworn, testified as follows: 3643

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: Robert Spinner; S-p-i-n-n-e-r.
THE CLERK: Thank you.
MR. NICOLA: Just a moment while we put something in the computer.

DIRECT EXAMINATION
BY MR. NICOLA:
Q. While I'm fiddling, why don't you tell the jury what you do for a living.
A. At the present time, I am working as a part-time employee of the Santa Barbara County Sheriff's Department in the Forensics Unit. I retired from the sheriff's department in July of 2000 -- or August of 2003 after a term of service of 32 years.
During that time, I spent from 1986 to my retirement date working in the Forensics Unit at the sheriff's department.
Q. Is it true that nobody ever really retires from the sheriff's department?
A. Obviously, that's very true.
(Laughter.)
Q. BY MR. NICOLA: How long did you work in the Forensics Bureau with the sheriff's department?
A. From about the middle of 1986 to my 3644

retirement date in 2003. It would be approximately 13 years, I believe.
Q. Okay. During that period of time, did you receive any training or education in the field of forensic investigation?
A. Yes, I did.
Q. Why don't you walk the jury through that, please?
A. I started my training in basic fingerprints in 1987 when I attended two classes put on by the California Department of Justice, which were latent pattern techniques, and latent fingerprint techniques, or latent pattern recognition and latent fingerprint techniques.
I then attended a three- or four-day school, I don't remember the exact time, down at Cal-State Long Beach on an advanced evidence technician course.
I had previous experience in crime scene investigation from my time on patrol and did not go to the basic crime scene investigation course when I came into the unit.
I then attended the palm print identification class put on by Mr. Ron Smith.
Subsequent to that, I attended a basic fingerprint class put on by the Federal Bureau of Investigation.
And back to back with that I attended an advanced fingerprint class put on by the Federal Bureau of 3645

Investigation, both went a week long, which were conducted at Rio Hondo College in Los Angeles. Subsequent to that I attended an advanced latent fingerprint comparison class taught by Mr. Pat Wardheim. I've taken a fingerprint seminar, fingerprint development and comparison seminar, at Orange County Sheriff's.

I became a member of the Southern California Association of Fingerprint Officers in 1995, and I have attended their two-day training seminar, which is held every October, since then, except for the seminar which was held in 2001 due to the 9/11 incident.

I have attended and monitored one of Mr. Wardheim's classes that we had at the sheriff's department, kind of in and out of that one, so I didn't really list it, but it was on problem latent print identification.

I attended the three-week advanced -- the advanced latent fingerprint school held at the FBI Academy in Quantico, Virginia, in the year 2000.

And I recently attended, in January of this year, a basic forensics ridgeology class put on by Mr. David Ashbaugh.

I've also attended another seminar conducted by Mr. Ashbaugh, I believe it was 1997.

Q. Do you have any other education?

A. I have attained initially an associates of 3646

arts degree in business, I have an associates of
science degree in police science, and I have a
bachelor's degree in administration.
Q. At the time that you retired, what was your
position with the Forensics Bureau of the Santa
Barbara Sheriff's Office?
A. When I retired I was the sergeant and
supervisor in the unit.
Q. Does that unit encompass both North and
South County offices?
A. Yes, it does, sir.
Q. And you were in charge of all the forensics
people?
A. Yes, I was.
Q. Do you have any professional affiliations
you have not mentioned?
A. Encompassing along with the Southern
California Association of Fingerprint Officers,
which has the acronym SCAFO, I'm also a member of
the International Association of Identification,
California State Division.
Q. Over the years, how many fingerprint
comparisons would you estimate that you have done?
A. I would say approximately in the vicinity of
80,000.
Q. Okay. Approximately how many came just from
the Michael Jackson case?
A. I believe it was close to 21,000 3647

comparisons.
Q. Have you ever testified in court as an expert witness regarding fingerprint identification?
A. Yes, I have, sir.
Q. On approximately how many occasions?
A. It was approximately -- approximately 10 to 15 times. I'm not really sure of the exact number, both in Santa Barbara and in Santa Maria court systems.
Q. Does that mean that you've only done comparisons in approximately 10 or 15 cases?
A. No, sir. We're very rarely called to testify in fingerprint cases, and it's -- when we do get to testify, it is a rarity.
Q. Okay. Is there a requirement by the sheriff's office that you be certified in order to hold your position?
A. No, there is not.
Q. So you're not a certified fingerprint examiner?
A. No, sir, I'm not.
Q. Do you know other fingerprint examiners in other jurisdictions working with other law enforcement agencies?
A. Yes, I do.
Q. Is it uncommon for some of them or many of them to be noncertified?
MR. SANGER: Objection, Your Honor. 3648

Relevance and foundation.
THE COURT: Foundation; sustained.
Q. BY MR. NICOLA: Is it uncommon in the State of California for -- let me phrase it another way so it's not leading.
Do you know whether law enforcement agencies, as a rule, require certified fingerprint examiners to be employed?
MR. SANGER: Objection; foundation.
THE COURT: Sustained.
MR. NICOLA: Okay.
Q. Can you explain for the jury, please, what a latent fingerprint is?
A. A latent fingerprint is a fingerprint which is created when your friction ridge skin comes in contact with an object and there's a transfer of the contaminants, sweat and sebaceous oils which are on the top surface of those friction ridges, to the object which is touched. That print may be invisible until it is mechanically or chemically enhanced or processed.
Q. And what is a known fingerprint?
A. A known fingerprint is an intentional recording of an individual's fingerprints, not only on a marked fingerprint card, which would have ten squares across the top and four squares on the bottom. One -- the bottoms would have the flat prints and thumbs; the tops would have the complete 3649

left finger recordings and the complete right finger recordings. It's only done in ink. However, now, with the advent of better digital electronics, it's done with what we call the Livescan method, which is basically an electronic recording of the fingerprints.

Q. I'd like to approach and show you Exhibit 767. Do you recognize that exhibit?

A. Yes, I do.

Q. And what is that?

A. It is the ten-print fingerprint card for Mr. Jackson which was created on 11-20-03.

Q. Is that an example of the Livescan image that you just explained to the jury?

A. Yes, it is.

Q. Okay. I'd like to show you Exhibit No. 743. Do you recognize that?

A. Yes, sir. This is an expanded version of the original item, which is the fingerprint card.

Q. Okay.

MR. NICOLA: I'd like to move 743 into evidence at this time, Your Honor.

MR. SANGER: Actually, I don't think I've been shown this. I understand I've seen the original, but if I could just see the --

MR. NICOLA: They're on your Power Point, I'm sorry.

MR. SANGER: Let me just see the boards, if 3650

I could, quickly.
MR. NICOLA: Yes.
MR. SANGER: Thank you.
MR. NICOLA: Once again, Your Honor, I would like to move Exhibit 743 into evidence.
MR. SANGER: I have no objection.
THE COURT: It's admitted.
Q. BY MR. NICOLA: I have placed in front of you also Exhibit 744 and 745. Do you recognize 744, sir?
A. Yes, Item 744 is a blown up copy of the ten-print fingerprint cards for Star Arvizio.
Q. Do you have a hard time with the name "Arvizo"?
A. Arvizo, yes.
Q. Okay.
A. Short on letters.
MR. NICOLA: Can we move Exhibit 744 in evidence, Your Honor?
MR. SANGER: No objection.
THE COURT: It's admitted.
Q. BY MR. NICOLA: And 745, is that one of the fingerprint cards from Gavin Arvizo?
A. Yes, sir. This is the -- one of the ten-print cards for Gavin Arvizo.
MR. NICOLA: We'd like to move Item 745 into evidence at this time.
MR. SANGER: No objection. 3651

THE COURT: It's admitted.
MR. NICOLA: I'm going to leave these right here.
Q. Detective Spinner, Sergeant Spinner, can you explain for the jury, please, what the basic premise of the use of fingerprints for making identifications is?
A. Yes. Fingerprints are formed during the first and second trimesters prior to birth, during gestation. They are permanent. In other words, they will last from when they're formed, prior to birth, to well after death; and three, that they are unique, that no two persons have never been found to have the same exact fingerprint formations.
Q. Okay. What sort of protocol do you use when you're conducting a fingerprint comparison?
A. We, the sheriff's office, conduct a fingerprint comparison. We use the accepted methodology known as ACE-V, which is an accepted method in the fingerprint community.
Q. That's A-C-E?
A. A-C-E, dash, V. It's an acronym. It means analyze, compare, evaluate and verify.
Q. What are the initial steps of the analysis process?
A. Okay. During the analysis process, after the ACE-V methodology, we examine -- or the latent fingerprint is examined and -- for quality, clarity, 3652

and determine what information is available within that particular latent fingerprint; can the class type be determined; how much level -- how much detail is available; how clear is it; is it smudged or smeared; can it even be used for a latent fingerprint comparison. Sometimes this can be done fairly rapidly, and sometimes it takes some time.

Q. When can it be done fairly rapidly?

A. When it is -- when they're clear and when there is -- the apparent detail is clear and very highly visible. Some latent prints are very badly smeared sometimes and it takes a while to work through them to determine whether they can even be used for a latent fingerprint comparison or not.

Q. Is there a level called Level I class characteristics?

A. Yes, sir, the Level I class characteristic would be the type of fingerprint pattern it is, be it a whorl pattern, an arch pattern, or the ridge pattern.

Q. Did you bring a small diagram with you?

A. No.

Q. You left it upstairs?

A. Yes, sir, I did.

Q. Okay. And that's just a piece of paper with the different kinds of patterns on it?

A. Yes, sir. It had what's known as -- two loop patterns. Loops are broken down into two

particular styles of patterns. It used to be called
the ulnar loop and the radial loop. In other words,
the loop on the ulnar loops would open towards the
little finger, and the radial loop would open
towards the radial bone or the thumb.
Q. Is there anything about a fingerprint that
can tell you whether a person is left-handed or
right-handed?
A. No, sir.
Q. And anything about them that can tell you
age?
A. No, sir. Well --
Q. Except for little tiny babies, right?
A. Except for little tiny babies. Or when
people get aged, when they get quite old, sometimes
they lose the fat pad under the print, and the ridge
structure gets very worn and very hard to see.
Q. Okay. And a fingerprint will never tell you
when it was left?
A. No, sir, you cannot tell when a fingerprint
was left.
Q. Okay. Is there a higher level of
individualization within a fingerprint that you look
for as a fingerprint examiner?
A. Yes, sir. There's Level II detail and then
Level III detail.
Q. Beginning with Level II detail, can you
please tell the jury what it is that makes a 3654

1 fingerprint unique, Level II?
2 A. Okay. Well, basically fingerprints are
3 unique, starting with Level I. They're either
4 arches, loops or whorls.
5 Then breaking down into Level II, we have
6 three basic Level II types of details. We have the
7 bifurcation, which happens when two running ridges
8 either split and form -- or one running ridge either
9 splits and forms two running ridges, or vice versa
10 happens, when two running ridges come together to
11 form one ridge.
12 And you have what we call an ending ridge,
13 where a ridge stops, and the ridges on both sides of
14 it continue on.
15 Then there is a dot, which a dot is one
16 ridge unit which should be about as wide as it is
17 long and has one pore structure in it.
18 Q. Is there something you look for in a
19 fingerprint at the Level II stage that helps you on
20 your way to determining whether you can make a match
21 or exclude a fingerprint as being made by a
22 particular individual?
23 A. Well, you look for -- in Level II detail
24 only, after you confirm the Level I, you look for
25 sufficient Level II details in sequence, the same
26 spatial relationships and friction ridges in
27 sequence to allow an identification to be effective.
28 Q. Okay. So you look at the detail and the 3655

1 sequence that it is on the ridge?
2 A. Yes, sir. You have to take everything into
3 consideration.
4 Q. What if you were comparing two fingerprints
5 and you come across a detail that exists in one on a
6 ridge that doesn't exist on the other on the same
7 ridge?
8 A. If one positive Level II detail is found
9 within a latent print and it is not reproduced in
10 the known print, or vice versa, and it cannot be
11 explained by distortion, then it would automatically
12 take the fingerprint out of contention as being an
13 identification.
14 Q. That would be the one-dissimilarity rule?
15 A. Yes, sir.
16 Q. With respect to the fingerprints collected
17 in this case and the ones that you analyzed, can you
18 please explain to the jury where you became involved
19 in the process that we've heard much about so far?
20 A. When I was called back into the Forensics
21 Unit for part-time assistance due to personnel
22 staffing levels, I believe it was the last part of
23 July in 2003, I was asked if I would assist with the
24 evidence processing in this case.
25 Q. Okay. Were you involved in setting up the
26 protocol for how the large volumes of magazines and
27 other items of paper would be processed?
28 A. No, I was not. 3656

Q. Okay. Did you have a clear understanding of what that protocol would be?
A. It was shown to me and I read through it, yes. I understood what they were -- what was being required and requested.
Q. Was it an acceptable process from your point of view?
A. Yes, sir.
Q. Okay. What was your role in the handling of the magazines and other items of evidence that were processed for fingerprints?
A. My role started when I obtained the magazine item numbers from the property room. I returned them to the Forensics Unit, where the evidence bags were then opened.
And then what I did was, I first initially took each individual magazine and photodocumented that magazine page per page. I then took the magazine and cut the magazine or separated the magazine down the spine or the middle to separate each page into its own individual page.
Then the magazine was recorrelated to maintain the page order. The magazine was then subjected to cyanoacrylate ester fuming, which is known as super glue fuming, in an effort to develop and stabilize any latent fingerprints which may or may not be on each individual page.
After this was done, the pages were then 3657

either recorrelated or immediately placed into
plastic sleeves, which were then placed into
binders, and then the binders became the magazine,
or book, or pamphlet.
Q. So, were you the individual responsible for
slicing the magazines up and subjecting them to the
fumes from super glue?
A. I cut and processed the grand majority of
the magazines. Michelle Shelley processed a few of
them at my direction toward the end when we got very
busy.
Q. Were you working under some kind of time
crunch?
A. Yes. We were told we had to have this
project completed by December 17th of 2003.
Q. Once the items had been subjected to the
super glue fuming, did you repackage them?
A. They were -- after the super glue fuming was
completed, each individual page was placed into a
plastic page protector, which was then placed into a
three-ring binder.
Q. Okay. And then those binders would go
where; do you know?
A. The binders were either kept in the Santa
Barbara lab for processing there, or they were sent
to the Santa Maria lab for processing there, due to
the length of time it was going to take to do the
additional processing for latent fingerprints. 3658

Q. Okay. The deadline you had was in December of 2004, correct?
A. I'm sorry, 2004. That is correct.
Q. My astute colleagues here.
The teams that were responsible for further developing or examining the magazines and their contents for latent fingerprints in the North County would have been who; do you know?
A. They would have been Detective Sutcliffe and I.D. Technician Torres.
Q. And in the South County, who did you use?
A. Detective Wittenbrock and Michelle Shelley.
Q. And what was the procedure from that point forward, if you know?
A. Once I was through assembling the magazines back into the binder, in the individual page protectors, they were either sent to Santa Maria or they were kept in-house and then processed for latent fingerprints using what's known as a RUVIS Scenescope to look for, develop and stabilize super glue prints on the pages. The pages were then subjected to a ninhydrin process to attempt to further develop any fingerprints.
When these two processes were completed, the magazine pages were then reinserted into the plastic sleeves, placed back into the binders, and the binders were then correlated by myself, accounted for, and then booked back into the evidence room. 3659

Q. Okay. If a latent fingerprint was identified by one of the teams, meaning Detective Sutcliffe's team or Detective Wittenbrock's team, what would they do with that image?
A. Okay. All images which they found, either using the Scenescope or the ninhydrin process, were photodocumented. Those photographs were then either placed on a CD disk in Santa Maria and sent down to Santa Barbara for evaluation, or if Detective Wittenbrock photographed the images, he would take the photo card out of the digital camera, go to the Santa Barbara computer, download images in the Santa Barbara computer system.
Q. Were those images saved by file number?
A. Yes, they were. Each individual item number, or each individual magazine, pamphlet, page, whatever, each had an individual item number. The fingerprints which were -- photographs on those were marked. And when the photographs were taken, and they were saved under a particular -- under the file number for that particular item of evidence.
Q. How many total images of latent prints did the teams of Sutcliffe -- Detective Sutcliffe and Detective Wittenbrock provide you for a comparison?
A. Approximately 706.
Q. And out of those 706 potential latent prints, how many did you find were usable to make 3660

1 fingerprint comparisons?
2 A. 178 were found to be usable for latent
3 comparison purposes. However, some of those were
4 latent palm prints, not fingerprints.
5 Q. Okay. Of the latent fingerprints --
6 generally, could you explain for the jury what it is
7 that, in your opinion, makes a latent fingerprint
8 usable for a comparison?
9 A. A latent fingerprint needs to have
10 sufficient quality and clarity to locate and
11 identify a sufficient amount of Level II detail, and
12 it also has, in my estimation, and what I would like
13 to see is sufficient detail to at least show basic
14 Level I details so the pattern type can be
15 determined.
16 Q. Turning your attention back to Exhibit 743,
17 744 and 745, did you use the fingerprints cards from
18 the individuals listed, Michael Jackson, Gavin
19 Arvizo and Star Arvizo, to compare against the 178
20 fingerprints that were recovered that you felt were
21 usable?
22 A. Yes, we did.
23 Q. Okay. And out of the 178 usable prints, did
24 you find matches on a number of latent prints?
25 A. We were able to identify 19 of the 178.
26 Q. And you categorized those as positive
27 identifications?
28 A. Yes, sir. 3661

Q. Okay. Were there a number of fingerprints
that you did not come to a conclusion about?
A. Yes, there were.
Q. And approximately how many, please?
A. I believe there were seven.
Q. When you initially began your comparison
process, could you describe for the jury the
different steps that you took?
A. When --
Q. Let me rephrase that. That will take you
somewhere else.
When you initially began comparing a latent
print to some of these known prints from the three
individuals we named, did you look at them with the
intention of going back through the material over
and over again?
A. When we first did the -- when we first went
through the first ones, what we did was we went
through an initial evaluation and located prints
which we felt could be an identification, and we
marked those.
And when we finished going through all the
prints that came down on an individual CD disk for
that day or the two days, then we would go back to
the ones that we were interested in and re-review
those fingerprints.
Q. Okay. So they would get a first look, and
then a more thorough look at a later time? 3662

A. Yes, sir, they would.
Q. You keep saying "we."
A. Myself and Identification Technician Lisa Hemman.
Q. When you finally sat down to compare a fingerprint to -- a known fingerprint to a latent fingerprint that you were examining, how did you and Lisa Hemman coordinate that?
A. Well, initially, during the initial evaluation, we were both watching or both looking at a computer screen where the disk -- the images were being brought up one at a time. And we each had individual copies of the ten-prints -- ten-prints for the three individuals involved in this case, meaning Gavin Arvizo, Star Arvizo and Mr. Jackson. As we went through the latent fingerprints, again, as I said before, we identified some which could be identifiable to one of the three people. We would note that, and then -- for a later evaluation.
What would happen, during the later evaluation process, I.D. Technician Hemman would take the latent fingerprint, which we felt was a usable and comparable latent to a particular inked fingerprint or known fingerprint, and make a side-by-side comparison set up on a computer screen. We would then go through that side-by-side comparison independently, looking for Level II 3663

1 details and marking that detail with one of us being
2 outside of the room when the other was doing it.
3 After we were both finished, we would then
4 compare our results and see if there was a problem
5 or whether the identification was valid or whether
6 it was not valid.
7 Q. Is that the "V" part of the ACE-V process?
8 A. It would be -- yes, it would be the "V"
9 process, the verify. What we did initially when we
10 looked at the fingerprints on the computer screen,
11 we were just looking for latents alone with the
12 ten-print fingerprint cards.
13 Q. How is it that Senior I.D. Technician Hemman
14 could mark on the computer where she thought points
15 of comparison were and you would come in later and
16 not see those marks?
17 A. We were using a program called Adobe
18 Photoshop, and in that particular program you can
19 create what they call layers. She would make two
20 layers. One layer would be her layer, one layer
21 would be my layer. And she would turn her layer on
22 and put the marks down on where she thought the
23 appropriate Level II detail was located to make an
24 identification, or nonidentification as the case may
25 be, for this particular fingerprint. She would then
26 turn that layer off, turn my layer on.
27 I would go in, I could not see her marks. I
28 would then put my marks down. When I was finished, 3664

I would advise her of what we did -- that I was finished, rather, and we would both get together. She would turn both layers on and we would see if we were in agreement.

Q. Is that a fairly standard way of doing things these days in the field of fingerprint comparison is using the computer?

A. Yes, sir. We used to use what they call a fingerprint comparator. It's a visual projection-type device where you would do basically the same thing, but it was more mechanical. You'd work on a plastic screen with a water-soluble pen. Here we just basically use a computer and a dedicated program, like Adobe Photoshop, to do the same thing.

Q. I'm going to approach you with an exhibit.

THE COURT: Let's take our morning break.

(Recess taken.)

THE COURT: All right. Counsel, go ahead.

MR. NICOLA: Thank you, Your Honor.

Q. Detective Spinner -- Detective Spinner, I've put a number of boards up here. Can you reach the ones closest to your right, and on that first board, can you read the exhibit number, please?

A. 735.

Q. Do you recognize the latent image in that picture?

A. There's an item listed as being taken on 3665

Item 317-U, union, Latent No. 1.
Q. Did you make a comparison of that print in this case?
A. Yes, we did.
Q. Did you come to any conclusions when you made your comparison of that fingerprint?
A. Yes, we did.
Q. Can you turn to the next exhibit, please. Are you looking at Exhibit 757?
A. Yes, I am.
Q. And what is depicted in that exhibit?
A. It is a charted latent fingerprint comparison between the photograph from Item 317-U, union, page ten, Quadrant 16, Latent 1, against a known fingerprint of Gavin Arvizo's right middle finger.
Q. So you were able to identify Gavin Arvizo's right middle finger on Exhibit -- a magazine labeled 317-U?
A. Yes, sir, we were.
Q. Okay. Coming to your opinion that that is his fingerprint, did you present our office with a Power Point presentation to help explain that to the jury?
A. Yes, we did.
MR. NICOLA: Your Honor, if I may have "Input 1," please. I'd like to show it to the jury, please. 3666

Q. Take a look up at the screen.
THE COURT: What's the exhibit number on the presentation?
THE WITNESS: 757, Your Honor.
MR. NICOLA: Did you -- I left them with the court reporter for some strange reason, Judge. It's going to be next in order, Exhibit No. 772.
Q. I'm going to go right to -- thank you -- this image.
That was the latent fingerprint that you compared.
A. That's affirmative, sir, yes.
Q. Okay. And I want you to guide me through this. What is this?
A. That is the known inked impression from the right middle finger of Gavin Arvizo.
Q. And what does this image depict?
A. Okay. This is where -- an identification of 12 charted points of identification which we found within this particular fingerprint which we compared to the latent fingerprint.
Q. Is that what's shown on the screen?
A. Yes, sir. That -- No. 1 is an upward moving ending ridge.
Q. Okay. Did you compare an entire finger pad against an entire finger pad when you made your comparison? 3667

A. No, sir. In this case, we had the right --
or the left side of the completely rolled finger,
which included from a little bit inside the delta
area, which is the area I just pointed to, to this
area, up into the top and down below the delta area.
Q. Okay. Can you explain what's on this next
slide, please?
A. That is where the second characteristic is
located and charted, and that is also an ending
ridge, and it's a downward thrusting ending ridge.
Q. And this image?
A. No. 3 is also a charted ending ridge. It
would be an upward thrusting ending ridge.
Q. No. 4?
A. Four is another ending ridge, again in the
same spatial relationship to the other three, and
it's also an upward thrusting ending ridge.
Q. No. 5, please?
A. Five is another ending ridge, again in the
same spatial and ridge count relationship with No.
4, 3, 2 and 1, and it's also a downward thrusting
ending ridge.
Q. No. 6?
A. Six is also an ending ridge, downward
thrusting, in the same spatial relationship as the
first five.
Q. No. 7?
A. Seven is a bifurcation, which again is two 3668

1 ridges flowing into one. It's an upward moving
2 bifurcation, in other words, opens downward, and
3 it's in the same spatial relationship as the first
4 six items.
5 Q. Okay. And eight?
6 A. Eight is an ending ridge. It's an upward
7 thrusting ridge, again in the same spatial
8 relationship to 1 through 7.
9 Q. Nine?
10 A. Nine is a bifurcation. It's a downward
11 opening, upward moving bifurcation, again in the
12 same spatial relationship with the previous items.
13 Q. Ten?
14 A. Ten is another bifurcation, opening
15 downward, in the same spatial relationship as 1
16 through 9.
17 Q. 11?
18 A. 11 is an ending ridge, coming up just inside
19 of the delta area. It's an upward flowing ending
20 ridge and having the same spatial relationship as
21 the previous mentioned items.
22 Q. No. 12?
23 A. 12 is a bifurcation. It's just above the
24 delta area, and again with the same spatial
25 relationship, having -- with the other items.
26 1 through 12 all have the same spatial and ridge
27 count relationships.
28 Q. Okay. Is that essentially the procedure you 3669

1 went through to create Chart 757?
2 A. Yes, sir, it is.
3 MR. NICOLA: Your Honor, I'd like to move
4 757 into evidence.
5 THE COURT: It's admitted.
6 Q. BY MR. NICOLA: The next two exhibits I'd
7 like to show you are 726 and 748. Do you recognize
8 726?
9 A. Yes, sir, I do.
10 Q. And what is that, please? Explain to the
11 jury.
12 A. It's a latent fingerprint that was
13 photodocumented from Item 317-L, page 126, marked as
14 Latent No. 1.
15 Q. Okay. What's the next board? 748?
16 A. 748, yes, sir.
17 Q. And is that your comparison between the
18 image in 723 (sic) and somebody's fingerprint?
19 A. Yes, it is.
20 Q. Tell the jury what that comparison is of,
21 please.
22 A. This is a latent fingerprint comparison
23 between the latent fingerprint photodocumented on
24 Item 317-L, page 126, marked Latent No. 1, and the
25 right index finger of Star Arvizo.
26 Q. Okay. Did you prepare a Power Point
27 presentation as an example of that one as well?
28 A. Yes, sir, one was prepared. 3670

MR. NICOLA: Okay. The Star Arvizo Power Point, Your Honor, is Exhibit 773.
While that is loading -- there it is. Yes, it's taking its time.
Q. This was the latent fingerprint of Star Arvizo found on Item 317-L, the magazine "Finally Legal"?
A. Correct.
Q. And is that --
A. That is the latent fingerprint from Item 726, which is the latent fingerprint we photographed on page 317-L, page 126, marked as Latent No. 1.
Q. Okay. And this is?
A. That is the right index fingerprint, as photographed, of Mr. Star Arvizo.
Q. And is it where your comparison began?
A. That's where we started making the chart, yes, sir.
Q. Okay. I'd like you to explain whether these images are to scale relative to the normal human being and relative to each other.
A. No, these are cropped and expanded. And the scaling between the fingerprint or the known print on the left and the latent print on the right is -- the one on the right is slightly smaller.
Q. Okay. Is that the same for the previous presentation? The scaling is different between the two? 3671

A. It could be, yes, sir.
Q. The board is right there if you want to look at it.
A. The scaling on this one would be just slightly reversed. The latent is a little larger than the known inked print.
MR. SANGER: When you say "this one" -- Your Honor, could we have a clarification as to what exhibit the witness is looking at?
THE WITNESS: The 757.
MR. SANGER: Thank you.
Q. BY MR. NICOLA: Could you describe what Point No. 1 is, please?
A. Point No. 1 is an upward thrusting ending ridge.
Q. Okay. You mentioned earlier something about a feature being in sequence, ridge sequence?
A. Ridges in sequence. That would be the number of ridges basically between the two details, such as we have an ending ridge at that location and an ending ridge at that location, or bifurcation. You follow this one down, the ridge line down, and then you go over one to that, and here, starting at "1" again, work your way up, and you have two ending ridges flowing in the opposite direction.
Q. Okay.
A. So --
Q. Go ahead, you were going to finish. 3672

A. I was going to say, so you have to find the same relationships in both the known print and the latent fingerprint.
Q. Okay. Point No. 2?
A. Point No. -- Point No. 2 is a downward flowing ending ridge three ridges up and over from Point No. 1.
Q. Okay. And that's the same on both images?
A. Yes, it is.
Q. And a third area of similarity?
A. That is also an ending ridge, which is two ridges above Point No. 2.
Q. Okay. Area No. 4?
A. Four is another charted ending ridge, which is at the other end of the short ridge starting at Point No. 3.
Q. And as you're examining these points, you're looking for the feature, the ridge sequence and the spatial relationship between the two?
A. That's correct.
Q. Okay. No. 5?
A. No. 5 is a bifurcation. This ridge actually has a slight space here, but actually bifurcates into this one, and then it comes out in this direction. So 5 is the location of the bifurcation of the two ridges actually split off from each other.
Q. Okay. No. 6? 3673

A. Six is the ending ridge created by the short ridge, which flows off the bifurcation underneath the main ridge.
Q. And No. 7?
A. Seven is another ending ridge flowing across the top from left to right, one ridge above the previous ending ridge of six.
Q. And No. 8, please?
A. Eight is another ending ridge following the furrow, or the white area, downward from 7 to 8. And then it shows up there.
Q. The lines on the latent fingerprint, the image on the right, the white areas correspond to the dark areas on the image on the left?
A. Yes, sir. That's what happens when you develop a latent fingerprint using cyanoacrylate, or super glue. The super glue polymerizes with the latent fingerprint moistures and turns the print ridges actually white, and the furrows are actually a darker color.
Q. Okay.
A. Just reversed from your normal fingerprint.
Q. So a light area on the image on the left would be a dark area on the image on the right?
A. That's correct.
Q. No. 9, please?
A. No. 9 is an ending ridge at this location four ridges down from No. 6. 3674

Q. No. 10, please?
A. Ten is a bifurcation where two ridges fuse together to form one, six ridges down from No. 9. And the same spacing as this one.
Q. How about No. 11?
A. 11 is another bifurcation. It's a downward opening bifurcation on the second ridge down, just above the re-curve forming the core.
Q. And No. 12?
A. 12 is an upward thrusting ending ridge and the furrow just to the right of Item No. 11.
Q. Is it common nomenclature to call these "points of comparison," or is there some other term you refer to them refer to them to?
A. I refer to them as "identifiable characteristics." Some people refer to them as "Galton details." Some people refer to them as "unique details." They're all synonymous.
Q. With this particular fingerprint match, did you find only 12 -- what did you call them?
A. Characteristics.
Q. -- characteristics of individualization?
A. Yes. There were additional characteristics located.
Q. Approximately how many?
A. 25.
Q. There were 25 points that matched?
A. Yes, sir. 3675

Q. I'm going to end this one and start loading the other, so....
Do you have a fingerprint comparison up there where you found a match on one of Michael Jackson's prints?
A. Yes.
Q. Would you please state for the record what the latent print exhibit number is?
A. It's Item 727.
Q. And the print comparison chart corresponding to that item is?
A. 749.
MR. NICOLA: Your Honor, I request Item 748, the charts depicting the match of Star Arvizo, be admitted into evidence.
THE COURT: It's admitted.
Q. BY MR. NICOLA: Item No. 727, where was that latent taken from?
A. This item was from Item 317-O, ocean, page two, Latent No. 1.
Q. And did you prepare a Power Point presentation for that as well?
A. Yes, sir, one was prepared.
THE COURT: Is it ready?
MR. NICOLA: It is. Thank you, Your Honor.
Q. And is that the latent fingerprint image that you used for your comparison?
A. Yes, sir, it is. And that is Mr. Jackson's 3676

1 known left thumbprint.
2 Q. And this is a side-by-side comparison?
3 A. Yes, it is.
4 Q. Again, issues of scale remain the same?
5 A. The scaling is not totally accurate as far
6 as the -- totally the same exact size.
7 Q. Okay. And what is this identifying
8 characteristic?
9 A. That identifying characteristic is a ridge
10 ending which is one ridge above the re-curve forming
11 the core area of the fingerprint or the thumbprint.
12 Q. No. 2?
13 A. No. 2 is a bifurcation. If you follow No. 1
14 upward and to the left, you see where it fuses and
15 joins into the above ridge, forming the bifurcation
16 which opens from left to right.
17 Q. No. 3, please?
18 A. No. 3 is a ridge ending. Seven ridge counts
19 over from No. 2 that the Ridge No. 2 actually ends
20 on.
21 Q. No. 4, please?
22 A. Four is a bifurcation located above the
23 bifurcation for No. 2.
24 Q. No. 5, please?
25 A. Five is a ridge ending located in the upper
26 part of the print eight ridges above the ridge that
27 No. 3 is located on.
28 Q. No. 6? 3677

A. Six is another ridge ending located one ridge above No. 5 and forward.
Q. No. 7?
A. Seven is a bifurcation which opens to the right four ridges below No. 5.
MR. NICOLA: This is Exhibit 774, Your Honor, the Power Point.
Q. Eight?
A. No. 8 is an ending ridge which is the lower fork of the bifurcation marked at No. 7.
Q. No. 9?
A. Nine is a bifurcation which, if you count down four ridges and go slightly forward, it fuses into the ridge one ridge below.
Q. And No. 10?
A. Ten is a bifurcation. Count down one ridge and then go to the right, and you find where two ridges fuse together forming a bifurcation that opens to the left.
Q. No. 11?
A. 11 is an ending ridge which is just below the bifurcation at 10.
Q. And No. 12, please?
A. 12 is an ending ridge, which is the other end of the short ridge from 11 to 12.
Q. Okay. And on this particular positive identification, did you find more than 12?
A. We found a total of 17 total points. 3678

Q. Okay. And are those the red dots that you put on the exhibit?
A. Yes, sir, they are.
Q. They're very difficult to see in here. Are they on your chart?
A. Yes, they are. And I can point them out with a laser pointer, if you'd like, sir.
Q. Go ahead, please.
A. We have two ending ridges at this location. An ending ridge at this location. Bifurcation at this location. Another bifurcation at this location.
Q. Is there a reason why not to chart more than 12 individualizing characteristics?
A. When I'm building a chart, and we don't build that many of them, I don't like to put too many lines in to mark every point because of the probability of confusing people and have too many lines running back and forth through the chart and possibly crossing lines to get to all the points, which then makes it very difficult to follow backwards. So it was done for clarity.
MR. NICOLA: Okay. I think we're done with our slide show, Your Honor.
Q. Exhibit 749 is the exhibit that contains the Power Point we just saw --
A. Yes, it is, sir.
Q. -- in chart format? 3679

I move 749 into evidence, Your Honor.
THE COURT: It's admitted.
Q. BY MR. NICOLA: Do you recognize Exhibit 746, Detective Spinner?
A. Yes, I do.
Q. And what is depicted in Exhibit 746?
A. It is a fingerprint chart showing the latent comparison between the latent fingerprint photographed on Item 304-D, David, page 52, marked Latent No. 1, and the left little finger of Mr. Jackson.
Q. Did you make a positive identification?
A. Yes, we did.
MR. NICOLA: Move 746 into evidence.
THE COURT: It's admitted.
Q. BY MR. NICOLA: Exhibit No. 747, do you recognize that?
A. Yes, sir. That is a chart created showing the identification made on the fingerprint which was photographed on Item 317-L, Lincoln, page 31, marked Latent No. 1, against the left middle finger of Star Arvizo.
MR. NICOLA: Move 747 into evidence.
THE COURT: It's admitted.
Q. BY MR. NICOLA: Exhibit No. 750?
A. Okay. No. 750 is item -- latent fingerprint photographed on Item 317-R, Robert, page 54, Latent 1-N. And "N" indicates this is a 3680

ninhydrin-developed fingerprint, not a
super-glue-developed fingerprint.
MR. NICOLA: Your Honor, we'd move 750 into
evidence.
THE COURT: It's admitted.
MR. NICOLA: Oh, I thought you did.
THE WITNESS: It's a comparison against the
left thumb of Mr. Jackson and a positive
identification was made.
MR. NICOLA: Now we'd like to move it into
evidence, Your Honor, 750.
Q. Exhibit 751, do you recognize that?
A. 751 is a photograph of the latent
fingerprint photographed on Evidence Item 317-R,
Robert, page 92, marked Latent No. 1, with the left
little finger of Gavin Arvizo.
Q. Is that a positive identification?
A. Yes, it was.
Q. Exhibit No. 752, please?
A. 752 is a chart of the fingerprint comparison
made from the picture -- or the fingerprint
photodocumented on Item 317-R, Robert, page 92,
marked Latent No. 2, and it is -- it was compared
and identified, the left ring finger of Gavin
Arvizo.
Q. Is that a positive identification?
A. Yes, it is, sir.
Q. Exhibit 753, please? 3681

A. 753 shows a photograph of the latent
fingerprint located on Item 317-R, Robert, page --
excuse me, page 92, marked Latent No. 4. This
latent fingerprint was compared against the left
index finger of Gavin Arvizo and a positive
fingerprint comparison was completed.
MR. NICOLA: Move 751 in evidence.
THE COURT: It's admitted.
Q. BY MR. NICOLA: Exhibit 754?
A. Exhibit 754 shows a photograph of a latent
fingerprint photographed on Item 317-S, Sam, page
62, Latent No. 1. This item was compared against
the right thumb of Mr. Jackson, and a positive
identification was completed.
MR. NICOLA: Move 754 into evidence, Your
Honor.
THE COURT: It's admitted. It's admitted.
MR. NICOLA: Did I move 752, Judge?
THE COURT: I don't think so.
MR. NICOLA: Move it now, please.
THE COURT: It's admitted.
Q. BY MR. NICOLA: Exhibit 755?
A. 755 shows a photograph of a fingerprint
photodocumented on Item 317-S, Sam, page 87, Latent
No. 1. It was compared and identified against the
left ring finger of Mr. Jackson.
Q. Is that a positive identification?
A. Yes, sir, it is. 3682

MR. NICOLA: We'd like to move 755 into evidence.
THE COURT: It's admitted.
Q. BY MR. NICOLA: Exhibit No. 756, please?
A. 756 shows a charted comparison using the photograph of the fingerprint photographed on Item 317-T, Tom, page three, Latent No. 1, against the left thumb of Mr. Jackson.
Q. The result of that comparison?
A. It was a positive identification.
MR. NICOLA: Move 756 into evidence.
THE COURT: It's admitted.
Q. BY MR. NICOLA: Exhibit 758?
A. 758 shows a charted comparison between a latent fingerprint photographed on Item 317-YY, or yellow-yellow, page A, marked Latent No. 1. And it was compared against the left index finger of Gavin Arvizo.
Q. And the results?
A. It was a positive identification.
MR. NICOLA: Move 758 into evidence.
THE COURT: It's admitted.
Q. BY MR. NICOLA: Exhibit 759?
A. 759 shows a charted comparison using the fingerprint photographed from Item 321-A, Adam, page three, marked Latent No. 1, against the known fingerprint of the right thumb of Mr. Jackson.
Q. And the result of that comparison? 3683

A. It was a positive comparison.
MR. NICOLA: We'd like to move 759 into evidence.
THE COURT: It's admitted.
Q. BY MR. NICOLA: Exhibit 760?
A. 760 shows a charted comparison between a latent fingerprint photographed on Item 321-A, Adam, page 29, marked Latent No. 1, and the known fingerprint of Mr. Jackson's right thumb, and it was a positive identification.
MR. NICOLA: Move 760 into evidence.
THE COURT: It's admitted.
Q. BY MR. NICOLA: 761, please?
A. 761 shows a latent fingerprint photographed on Item 321-E, Edward, page one, marked Latent 1, and the known fingerprint of Mr. Jackson's left thumb, or left thumbprint.
Q. And the result of that comparison?
A. That was a positive comparison.
MR. NICOLA: I'd like to move 761 into evidence.
THE COURT: It's admitted.
Q. BY MR. NICOLA: Exhibit 762, please?
A. 762 shows -- is a charted comparison. It shows a photograph of a latent fingerprint photographed on Item 321-E, Edward, page seven, marked Latent No. 1, compared against the known right thumb of Mr. Jackson. 3684

Q. And the result of that comparison?
A. It's a positive comparison.
MR. NICOLA: Move 762 into evidence.
THE COURT: It's admitted.
Q. BY MR. NICOLA: Exhibit 763, please?
A. 763 is a charted comparison showing a latent fingerprint photographed on Item 321-F, Frank, page 11, marked Latent No. 1, and the right thumb of Mr. Jackson.
Q. And the result of that comparison?
A. It's a positive comparison.
MR. NICOLA: Move 763 into evidence.
THE COURT: It's admitted.
Q. BY MR. NICOLA: Exhibit 764, please?
A. 764 shows a latent fingerprint, which was photographed on item -- correction, 363-M, Mary, page 57, marked Latent No. 2, against the right -- known right thumb of Mr. Jackson.
Q. And the result of that comparison?
A. It was a positive comparison.
MR. NICOLA: Okay. Move 764 into evidence.
THE COURT: It's admitted.
MR. NICOLA: At this time, Your Honor, I would like to publish, via Power Point, Exhibit 746 through 764.
THE COURT: All right.
THE CLERK: Judge, he hasn't moved 751 into evidence. 3685

MR. NICOLA: Did I miss 751?
THE CLERK: You just didn't ask to have it received into evidence.
MR. NICOLA: If I missed 751, I would like to move it into evidence at this time.
THE COURT: It's admitted.
MR. NICOLA: Thank you, Judge.
If I may have "Input 1" again, Your Honor.
Q. If you could please compare what is on the board to the exhibit in front of you and read the exhibit number for the jury, please.
A. This exhibit number is Exhibit No. 746.
Q. Is that the positive identification you made with Michael Jackson's left little finger on page 52 of the magazine entitled "Barely Legal"?
A. Yes, sir.
Q. Okay. Move to the next exhibit, please. Is that Exhibit 747?
A. That's correct.
Q. Would you look at the screen, please? Does that accurately depict the positive identification of Star Arvizo's left middle finger on page 31 of the magazine entitled "Finally Legal"?
A. Yes, sir, it does.
Q. Are there additional points of comparison on that aside from the 12 that you've marked?
A. Yes, sir, there are.
Q. How many total comparison points are on that 3686

1 exhibit, if you know, off the top of your head? You
2 may refer to your notes, if you wish.
3 THE BAILIFF: Mr. Nicola, you haven't pushed
4 the appropriate button down there to magnify the --
5 THE WITNESS: 20 points of comparison.
6 Q. BY MR. NICOLA: And the next exhibit,
7 please?
8 A. 750.
9 Q. Does this show --
10 A. They're out of order.
11 Q. Are they out of order?
12 A. (Nods head up and down.)
13 Q. Sergeant Spinner, do you remember those
14 exhibits I showed you earlier? Is the next one 748?
15 A. That's correct. 748.
16 Q. And that would be a comparison --
17 A. Between the fingerprint found on Item 317-L,
18 Lincoln, page 26, Latent No. 1, comparing the
19 photographed latent fingerprint against the right
20 index finger of Mr. Star Arvizio.
21 Q. Arvizo?
22 A. Arvizo.
23 Q. And how many individualizing characteristics
24 did you find in that comparison?
25 A. 25.
26 Q. Would you please proceed to Exhibit 749?
27 A. I have it.
28 Q. Does Exhibit 749 show the identification of 3687

1 the defendant's left thumb on the magazine entitled
2 Hustler "Barely Legal"?
3 A. Yes, sir, it does.
4 Q. How many individualizing characteristics on
5 this exhibit?
6 A. 17.
7 Q. I'd like to go to Exhibit 750 next.
8 Is this the identification of the
9 defendant's left thumb -- or did I miss -- is that
10 it?
11 A. 750 is a ninhydrin print.
12 Q. That's a ninhydrin print, right?
13 A. That's correct.
14 Q. Okay.
15 A. It's 750.
16 Q. And is that the identification of Mr.
17 Jackson's left thumb on the magazine Hustler "Barely
18 Legal Hard-Core"?
19 A. Right. 317-R, page 54 --
20 Q. How many --
21 A. -- Latent 1.
22 Q. How many points of comparison in this
23 exhibit?
24 A. 18 total points.
25 Q. Exhibit 751, is this Gavin Arvizo's left
26 middle finger in the same magazine, Hustler "Barely
27 Legal Hard-Core"?
28 A. Page 52, marked Latent 1. 3688

Q. And how many individualizing characteristics did you find there?
A. We had 21 detailed.
Q. 21?
A. 21.
Q. 752, please. Is this Gavin Arvizo's left middle finger found on the magazine Hustler "Barely Legal Hard-Core," Sheriff's Item 317-L?
A. That's correct, Latent 2, page 92.
Q. How many individualizing characteristics did you find in that?
A. 13.
Q. 13?
A. 13.
Q. Exhibit 753, please. It appears to depict Gavin Arvizo's left index finger, Sheriff's Item 317-R, Hustler "Barely Legal Hard-Core."
A. Correct. Page 92, marked Latent No. 4.
Q. And how many individualizing characteristics did you find on that print?
A. 14 total.
Q. Proceed to Exhibit 753, please -- 54, please. Is that next in order? Does that depict the defendant's right thumb on the magazine Penthouse, Sheriff's Item 317-S?
A. Correct, page 63, Latent No. 1.
Q. And how many individualizing characteristics are in that? 3689

A. 16 total.
Q. 16?
A. One-six.
Q. Exhibit No. 755, please. And is that also the defendant's finger in Item 317-S, Penthouse?
A. Yes, sir, page 87, latent -- marked Latent No. 1.
Q. And how many individualizing characteristics in that print?
A. 21.
Q. Exhibit No. 756, please?
A. I have it.
Q. Okay. Is that the defendant's left thumb in the magazine "Visions of Fantasy"?
A. "Visions of Fantasy, Hard-Rock Affair," page three, marked Latent No. 1, and we had again 21 points.
Q. Okay. Item 757, please. Is that Gavin Arvizo's right middle finger in the magazine "Visions of Fantasy," or did I not --
A. I don't think you changed it. We need 758.
Q. That's where we are.
A. Item 317-YY is "Al Goldstein's 100 Best Adult Videos." It was from page A, marked Latent No. 1. And it's the left index finger of Gavin Arvizo. We had 18 total points.
Q. Is 757 right under that exhibit?
A. It's right here. 3690

Q. Okay. Let's do 757, then.
A. Okay. 757 is from Item 317-U, union, page ten, marked Latent No. 1.
Q. That would be Gavin Arvizo's right middle finger?
A. That's correct, sir.
Q. And how many individualizing characteristics in Exhibit 757?
A. 20.
Q. 20. Is 759 next on that stack?
A. Correct.
Q. Okay. And is that the defendant's right thumb on page three of Item 321-A, "Playboy Special Edition, Girlfriends"?
A. Yes, sir, it is.
Q. And how many individualizing characteristics in that exhibit, please?
A. 26.
Q. 26. Proceed to Exhibit 760, please.
A. I have 760.
Q. Is that also the defendant's right thumb in the same magazine at page 29?
A. Yes, it is, sir.
Q. And how many points of comparison in that exhibit?
A. Approximately 30.
Q. Can we go to Exhibit 761, please?
A. I have it. 3691

Q. Exhibit 761, is that a positive
identification of the defendant's left thumb on the
magazine "Girls of Barely Legal"?
A. Correct. Item 321-E, page one, Latent 1.
Q. And how many individualizing characteristics
in that diagram?
A. 24.
Q. Exhibit 762, please. And is that also the
defendant's right thumb in the same magazine at page
seven?
A. Page seven, marked Latent No. 1.
Q. How many individualizing characteristics in
that?
A. 19, 1-9.
Q. Exhibit 763, please.
This is Mr. Jackson's right thumb on the
magazine "Finally Legal"?
A. Yes, sir.
Q. And how many individualizing characteristics
on that exhibit?
A. 16.
Q. Is this also the exhibit that got switched
into a different binder when it left your lab?
A. Yes, sir, it was.
MR. SANGER: Well, I would object and move
to strike as being a leading question.
THE COURT: Sustained. Stricken.
Q. BY MR. NICOLA: Why does the picture say 3692

"321-D"?
A. The picture says "321-D" because when it left the Santa Barbara lab, it was evidently switched and mismarked with Item 321-F, Frank. When it got to Santa Maria, they relied on that identification when they did the photodocumentation placard, so the placard would show on the whole picture the Item No. 321-D, not F, Frank.
Q. Did you verify that you made the right comparison?
A. Yes, I did.
Q. And this is a photograph from which magazine, which page?
A. This would be a photograph from a magazine which was originally 321-F, Frank, and the one that was mislabeled, and the one that Detective Sutcliffe and I depict was relied on that label when they did the photography.
Q. Is there a woman's face in that Scenescope image? Do you see the side of her face?
A. No. It must be the angle, sir.
Q. Is Exhibit 764 next?
A. That's correct. 764.
Q. Okay. And is that Mr. Jackson's right thumb on the magazine "Club International," March '98?
A. Correct. Item 363-M, Mary, page 57, Latent No. 2.
Q. And how many individualizing characteristics

in that one?
A. 19.
Q. 19.
That's the end of the exhibits, Your Honor.
Sergeant Spinner, on how many occasions did you review the fingerprint identifications that you made in this case?
A. Several.
Q. And why did you do that?
A. I usually review my work after it's completed to make sure there's no problem, something that was either missed, just to make sure that there's no problems in the future. And I'll again review them before I go to court.
Q. Okay. If there is an issue in your mind about an identification, what is your habit and custom?
A. I will correct -- if there is a problem, I'll make every effort to correct that problem.
Q. And how would you do that?
A. Write a report describing the issue at hand and what should be done, or what action should be taken or was taken.
Q. Would you testify to a fingerprint that you had issues with?
A. No.
Q. In this case, did you have issues with a fingerprint? 3694

A. Yes, I did.
Q. Do you recall which one it was?
A. I believe it was off of Item No. 317-O, ocean. It was a thumbprint belonging to Mr. Jackson which was fraught with problems.
Q. Okay. Is that the thumbprint that you testified in court today matched Mr. Jackson's thumb?
A. No, it is not.
Q. With respect to the other print, what did you do to remedy the situation that you had with it?
A. The thumbprint?
Q. Yes.
A. Yes, sir, I wrote a report changing the classification of the print from an identification to an inconclusive identification.
Q. Did you engage in a peer review of the fingerprints that you've identified today in court under oath?
A. Yes, I did.
Q. And how many people reviewed those findings?
A. Two additional people.
Q. Please explain to the jury what the function of a peer review is.
A. A peer review is basically an extension of the ACE-V protocol methodology for fingerprints. It's also something recognized by a group known as SWGFST, which is a scientific working group for 3695

fingerprint work, and they have published guidelines in the past. And it's basically a way to verify what an individual has done and to kind of like -- in a way, it would be like a blind test to see whether any problems were encountered, or whether there was a different way of doing things, or whether the identifications which were made are correct, and get any feedback from that individual, maybe a different way of doing something or different way of handling a situation.

Q. And -- you mentioned it's sort of a blind test. How does a peer review function?

A. The latent prints and the purported matches would be sent to an individual without any marks on them whatsoever, and just questions asked, "Do you agree or disagree?"

Q. Okay. And who did you use for the peer reviews in this case?

A. Initially -- I.D. technician Hemman was off on maternity leave at the time we did this. I used Identification Technician Mike Allmeyer from the Santa Barbara Police Department for the initial.

Q. Have you known him for some time?

A. Yes, I have.

Q. What does he do with the Santa Barbara Police Department?

A. He's an identification technician in their lab. 3696

Q. How long were you professionally affiliated with him?
A. Since he came to work for the sheriff's office initially, and then he went from the sheriff's office to the police department. I was going to guess about 13, 14 years.
Q. I'm going to start going through some magazines with you, if that's all right. Did you process - and I'm talking "process," photograph, slice, and direct to be bagged - all the magazines that came to you during the Michael Jackson case?
A. That's correct, sir.
MR. NICOLA: Okay. I'm going to go through these exhibits. And hopefully we'll do it very quickly, Your Honor. May I inquire from the well, Your Honor? It's quite a bit.
THE COURT: It's a problem for people to hear. So you can try it, but if they can't hear --
MR. NICOLA: May I try that, Your Honor?
THE COURT: You can try.
MR. NICOLA: Okay.
THE BAILIFF: Don't get it too close to that other one.
MR. NICOLA: Do you have a paper clip or something that I could....
Q. I'm going to hand you Exhibit 542, marked 3697

Sheriff's Item 363-M.
Is that one of the magazines that you
processed and had placed in plastic sleeves?
A. Yes, it is, sir.
MR. NICOLA: Your Honor, we'd move this
exhibit into evidence.
THE COURT: It's admitted.
Q. BY MR. NICOLA: Exhibit 541? And I
apologize, these are not going to be in order. What
is that magazine?
A. It's Item No. 360-L, and it's a Plumpers
magazine.
Q. Is that one of the magazines that you
processed, cut, placed in plastics sleeves?
A. Yes.
MR. NICOLA: We'd move 541 into evidence.
THE BAILIFF: You're going to end up getting
feedback if you put that microphone too close to
that one.
MR. NICOLA: He did it.
THE BAILIFF: You can use it, but not that
close.
MR. NICOLA: Okay. 541's been admitted,
Judge?
THE COURT: It's admitted.
Q. BY MR. NICOLA: Exhibit 540?
A. Yes, sir, this is Item No. 363-K, king.
Q. Is that one of the magazines you processed, 3698

1 super glued, placed in --
2 A. Sliced and diced, yes, sir.
3 MR. NICOLA: Move 540 into evidence.
4 THE COURT: It's admitted.
5 Q. BY MR. NICOLA: Exhibit 539, Item 6 -- Item
6 363-J. Did you process, super glue, fume, place in
7 plastic sleeves that exhibit?
8 A. Yes, sir, I did.
9 MR. NICOLA: Move 539 in evidence, sir.
10 THE COURT: It's admitted.
11 MR. NICOLA: Exhibit 538, Item 363-I.
12 Similarly, did you process that magazine, Sergeant?
13 A. Yes, I did.
14 MR. NICOLA: Move 538 into evidence, Your
15 Honor.
16 THE COURT: It's admitted.
17 Q. BY MR. NICOLA: Exhibit 537, which sheriff's
18 item is that?
19 A. That is 363-H, Henry.
20 Q. Did you process -- did you look at it?
21 A. Yes, sir.
22 Q. Did you process that item as well?
23 A. Yes, I did.
24 Q. MR. NICOLA: Move that into evidence, Your
25 Honor.
26 THE COURT: It's admitted.
27 Q. BY MR. NICOLA: Exhibit 536, Item 363-G, as
28 in "golf," did you process that item? 3699

A. Yes, I did, sir.
MR. NICOLA: Move it into evidence, Your Honor.
THE COURT: It's admitted.
Q. BY MR. NICOLA: I'm handing you Exhibit 535.
A. It's 363-F, Frank.
Q. Did you process that item?
A. Yes, sir, I did.
MR. NICOLA: Move it into evidence, Your Honor.
THE COURT: It's admitted.
Q. BY MR. NICOLA: Exhibit 534, please.
A. 363-E, Edward.
Q. Did you process that item?
A. Yes, I did.
MR. NICOLA: Move it into evidence, Your Honor.
THE COURT: It's admitted.
Q. BY MR. NICOLA: Exhibit 532?
A. 363-C, Charles.
MR. NICOLA: Move that into evidence, Your Honor.
Q. Did you process this?
A. Yes, I did.
MR. NICOLA: May we move it into evidence, Your Honor?
THE COURT: It's admitted.
Q. BY MR. NICOLA: 533, did you process that 3700

item?
A. Yes, I did. 363-D, David.
MR. NICOLA: Move that into evidence, Your Honor.
THE COURT: It's admitted.
Q. BY MR. NICOLA: Exhibit 531?
A. It's 363-B, boy.
Q. Did you process that item?
A. Yes, I did.
MR. NICOLA: Move that into evidence, Your Honor.
THE COURT: It's admitted.
Q. BY MR. NICOLA: Next I'm handing you Exhibit 530.
A. 363-A, Adam.
Q. Did you process that item?
A. Yes, I did.
MR. NICOLA: Move it into evidence, Your Honor.
THE COURT: It's admitted.
MR. NICOLA: May I have just a moment to restack?
Q. Picking up with Item Exhibit No. 543.
A. Item 363-N, Nora. I processed this.
MR. NICOLA: Move that into evidence, Your Honor.
THE COURT: It's admitted.
Q. BY MR. NICOLA: Exhibit 544? 3701

A. It's Item 363-O, ocean.
Q. Did you process that one?
A. Yes, I did.
MR. NICOLA: Move it into evidence, Your Honor.
THE COURT: It's admitted.
Q. BY MR. NICOLA: Exhibit 545?
A. Item 363-P, Paul. I processed this.
MR. NICOLA: We'd move that into evidence, Your Honor.
THE COURT: It's admitted.
Q. BY MR. NICOLA: Why don't you pull that out for just a second. Inside the front cover there's a little placard, isn't there?
A. This is the photo slip I used to mark it, mark the magazine when I took the original photograph.
Q. Just hold that up for the jury.
A. I created this little slip when I took the original photographs of it so they could -- the photographs could be filed correctly, the correct item number, when they were put in the computer and retained as evidence.
Q. And that's kept loosely in the binder?
A. Yes, it is.
Q. Is that how 321-D and F got switched at some point?
A. I would -- 3702

MR. SANGER: I'm going to object. That's a leading question.
MR. NICOLA: I'll withdraw it.
THE COURT: Sustained.
Q. BY MR. NICOLA: Exhibit 546?
A. This is Item No. 636-Q, queen. And I did process this item.
Q. You did the same thing I did.
A. 363, excuse me.
MR. NICOLA: Move that into evidence, Your Honor.
THE COURT: 546 is admitted.
Q. BY MR. NICOLA: Exhibit 547?
A. 363-R, Robert. Yes, I processed this.
MR. NICOLA: We'd like to move that into evidence as well, Your Honor.
THE COURT: 547 is admitted.
Q. BY MR. NICOLA: Exhibit 548?
A. This is Item No. 363-S, Sam.
Q. Did you process that item?
A. Yes, I did.
MR. NICOLA: We'd like to move that into evidence, Your Honor.
THE COURT: 548 is admitted.
Q. BY MR. NICOLA: 549 is next.
A. Item No. 363-T, Tom.
Q. Did you process that exhibit?
A. Yes, I did. 3703

MR. NICOLA: We'd like to move that into evidence, Your Honor.
THE COURT: It's admitted.
Q. BY MR. NICOLA: Exhibit 550.
A. Item 363-U, union, processed.
Q. By you?
A. I did process it, yes.
MR. NICOLA: Move that into evidence, Your Honor.
THE COURT: It's admitted.
Q. BY MR. NICOLA: Exhibit 551?
A. 363-V, Victor, and I did process this item.
MR. NICOLA: We'd like to move that into evidence, Your Honor.
THE COURT: It's admitted.
MR. NICOLA: If I may take a moment.
Q. I'll show you Exhibit 580.
THE COURT: All right. We're going to take our break, five minutes early.
(Recess taken.)
THE BAILIFF: Remain seated and come together.
(Laughter.)
THE BAILIFF: I don't think you can top that.
THE COURT: She must already be at Easter service.
THE BAILIFF: I'm going to sit down right 3704

now.
THE COURT: Go ahead.
MR. NICOLA: Thank you, Judge.
Q. I've placed in front of you a bag marked Evidence Item 716. Do you recognize that?
A. Yes. This is the magazine, Sheriff's Evidence Item 1002, along with the original evidence bag which it was received in when I got it, and I rebooked both items under 1002 and 1002-A.
Q. Can you take the contents of 7 -- 716, the contents, each have individual exhibits numbers, please?
A. That's correct. One is 587 and 586.
Q. And what is Exhibit 587?
A. 587 is Sheriff's Evidence Item 1002, which I processed.
MR. NICOLA: We've move 587 into evidence, Your Honor.
THE COURT: It's admitted.
Q. BY MR. NICOLA: And Exhibit No. 586, that is what, Detective Spinner?
A. This is the original evidence bag this item was in when I obtained it from the property room.
MR. NICOLA: We would move that into evidence.
THE COURT: It's admitted.
MR. NICOLA: And we would also move 716 into evidence. 3705

THE COURT: What is that?
Q. BY MR. NICOLA: Would you describe 716 one more time for the Court?
A. Item 716 is a brown evidence bag containing Sheriff's Evidence Item No. 1002 and 1002-A. The 002 item is the magazine itself, and the 002-A is the original bag that it was -- that I received it in when I got it out of the property room to process it.
THE COURT: All right. That's admitted.
MR. NICOLA: Thank you, Your Honor.
Q. Next we have Exhibit 174, which is a bag that contains Exhibit 585 and Exhibit 584. Sergeant Spinner, do you recognize these items?
(Laughter.)
MR. NICOLA: You missed it.
THE BAILIFF: That's why you don't go in the well.
Q. BY MR. NICOLA: Okay. What is Exhibit 714?
A. 714 is an evidence bag in which I returned Item 1001, which is Exhibit 585, back to the property room, along with the original bag, evidence bag, that I got the evidence item from, and I checked it out of the property room, which is Evidence Item 584.
MR. NICOLA: We'd move those into evidence, Your Honor.
(Laughter.) 3706

THE COURT: They're admitted.
MR. NICOLA: We'd also move 714 into evidence, Your Honor.
THE COURT: It's admitted.
MR. NICOLA: Thank you. Too much sugar at lunch.
Q. Exhibit 580, please.
THE COURT: Now you know why the rest of the attorneys stay behind counsel table.
(Laughter.)
THE COURT: Go ahead, Counsel.
MR. NICOLA: Yes, I do.
Q. Do you recognize --
A. This is the original evidence bag in which I got Item -- Sheriff's Item 306 out of the property room, and I started processing. And this is the item, magazine, that was inside this evidence bag when I got it out of the property room. Both items were returned in the plastic evidence bag.
MR. NICOLA: Okay. Your Honor, we would move, excuse me, 580 into evidence, please.
THE COURT: It's admitted.
Q. BY MR. NICOLA: Okay. Showing you Exhibits 563 and 564.
A. 563 is Sheriff's Evidence Item 304-C, Charles.
Q. Did you process that item?
A. Yes, I did, sir. And Exhibit No. 564 is 3707

Sheriff's Evidence Item No. 304-D, David, which I also processed. Both items were returned to the sheriff's property room by myself in this bag.
MR. NICOLA: Okay. We'd move both of those exhibits into evidence, Your Honor.
THE COURT: 563 and 564 are admitted.
MR. NICOLA: Thank you.
Q. Take those out one at a time, please.
Exhibit 567 is?
A. Sheriff's Evidence Item 309-B-2, which I processed.
MR. NICOLA: We'd like to move that into evidence, Your Honor.
THE COURT: It's admitted.
Q. BY MR. NICOLA: Next is Exhibit 566?
A. 566 is Sheriff's Evidence Item No. 301-B-1, which I did process.
MR. NICOLA: We'd move that into evidence, Your Honor.
THE COURT: 566 is admitted.
MR. NICOLA: Thank you.
Q. Exhibit No. 554?
A. This is Sheriff's Evidence Item No. 321-A, Adam.
Q. You processed that item?
A. I processed it or it was processed at my direction.
MR. NICOLA: Move that into evidence. 3708

THE COURT: 554 is admitted.
Q. BY MR. NICOLA: Exhibit 555?
A. 555 is Sheriff's Evidence Item No. 321-B, boy. And it was processed in the lab at my direction.
MR. NICOLA: We'd move that into evidence, Your Honor.
THE COURT: It's admitted.
Q. BY MR. NICOLA: 321-C?
A. 321-C is Sheriff's Evidence Item No. 321, and 556 is Item No. 321-C, Charles.
Q. Processed --
A. Processed at my direction.
MR. NICOLA: Move that into evidence, Your Honor.
THE COURT: It's admitted.
Q. BY MR. NICOLA: Exhibit 557?
A. 557 is Sheriff's Evidence Item No. 321-D, David.
Q. Did you process that item?
A. I did or at my direction.
Q. Okay. I'd like you to take that back out for a moment, please, and find the placard that was used when you photographed it. I think it's behind the actual label on the front cover. The front cover. It's behind that label.
MR. SANGER: One of the problems is we can't see the witness if he's going to be doing something. 3709

MR. NICOLA: How's this?
MR. SANGER: Thank you.
Q. BY MR. NICOLA: You could just put that back in the front part.
Is this an item that was processed by you or at your direction?
A. Yes, sir, it is.
MR. NICOLA: We'd move this into evidence, Your Honor. It's 557.
THE COURT: It's admitted.
Q. BY MR. NICOLA: Exhibit No. 321 -- excuse me, Exhibit No. 558?
A. 558 is Sheriff's Evidence Item No. 321-E, Edward.
Q. And was that processed by you?
A. By me or at my direction.
MR. NICOLA: Okay. Move 558 into evidence, Your Honor.
THE COURT: It's admitted.
Q. BY MR. NICOLA: Exhibit No. 559?
A. 559 is Sheriff's Evidence Item No. 321-F, Frank.
Q. Did you process that?
A. Yes, I did.
MR. NICOLA: We would move 559 into evidence, Your Honor.
THE COURT: It's admitted.
Q. BY MR. NICOLA: Exhibit No. 560, please? 3710

A. 560 is Sheriff's Evidence Item No. 321-G, George.
Q. Did you process that item?
A. Yes, I did, or at my direction.
MR. NICOLA: We would move 560 into evidence, Your Honor.
THE COURT: It's admitted.
MR. SNEDDON: The label must have come off.
THE CLERK: Judge, each item is marked inside the book that they're looking at. They're looking for an exhibit tag.
Mr. Nicola, that notebook, each item is marked inside the notebook.
MR. NICOLA: Are they?
Q. Sergeant Spinner, for the record, we have a black three-ring binder, with the numbers "317" and the lettering "Combined Items" on the spine. Inside are a number of individual pages with the exhibit numbers. Can you please flip to the first exhibit number, read it out?
A. Exhibit No. is 7 -- or correction. 471.
Q. Can you flip to the very last page, the last exhibit number?
A. This is Exhibit 508.
Q. Okay. Can you flip all the way through that binder, tell us whether or not you processed those items? Did you actually make this binder?
A. Yes, I compiled this compilation myself in 3711

an attempt to not have one binder just for one page.
So I put all the individual pages into one binder
and marked it as such with the evidence items that
were in that binder. And I did that with the front.
Q. Okay. Just flip through that. Confirm it's
accurate as to what you've done.
Your Honor, while he's doing that, may I
move Exhibits 774, 773 and 772 into evidence? They
were the three Power Points regarding the print
comparisons.
THE COURT: All right. They're admitted.
MR. NICOLA: We would also like to move
Exhibit No. 529, which was testified to yesterday by
Char Marie, containing Evidence Items 317 and booked
into the DOJ Lab, I'd like to move that into
evidence.
THE COURT: It's admitted.
MR. SANGER: With regard to the description
of that item, that's just the bag; is that right?
THE COURT: Yes.
MR. NICOLA: Yeah.
I'm going to show him these next.
Q. Are each of the items, Exhibit Nos. 471
through and including 508, items that you processed?
A. Yes, they are.
MR. NICOLA: Your Honor, we've move Exhibit
Nos. 471 through 508 into evidence at this time.
THE COURT: They're admitted. 3712

1 Q. BY MR. NICOLA: Handing you Exhibit 511.
2 A. Sheriff's Evidence Item No. 317-I, Ida, and
3 I did process this.
4 MR. NICOLA: Okay. We would move Exhibit
5 511 into evidence, Your Honor.
6 THE COURT: It's admitted.
7 Q. BY MR. NICOLA: Exhibit 512?
8 A. Sheriff's Evidence Item No. 317-K, king, and
9 I did process this item.
10 MR. NICOLA: We would move that into
11 evidence, Your Honor.
12 THE COURT: 512's admitted.
13 Q. BY MR. NICOLA: Exhibit No 509.
14 A. Sheriff's Evidence Item No. 317-F, Frank,
15 and I did process this item.
16 MR. NICOLA: We would move that into
17 evidence, Your Honor.
18 THE COURT: It's admitted.
19 Q. BY MR. NICOLA: 510, please?
20 A. Sheriff's Evidence Item No. 317-G, George.
21 And I did process this item.
22 MR. NICOLA: We would move that into
23 evidence, Your Honor.
24 THE COURT: It's admitted.
25 Q. BY MR. NICOLA: 512.
26 We did 511, right?
27 A. 512 is Sheriff's Evidence Item No. 317-K,
28 king. 3713

Q. Did you process that item?
A. Yes, I did.
MR. NICOLA: We would move 512 into evidence, Your Honor.
THE COURT: It's admitted.
Q. BY MR. NICOLA: Exhibit No. 513?
A. This is Sheriff's Evidence Item No. 317-L, Lincoln, and I did process this item.
MR. NICOLA: We would move that item into evidence, Your Honor.
THE COURT: It's admitted.
Q. BY MR. NICOLA: Exhibit No. 514, please.
A. Sheriff's Evidence Item No. 317-M, Mary, and I did process this item.
MR. NICOLA: We'd move that into evidence, Your Honor.
THE COURT: It's admitted.
Q. BY MR. NICOLA: Exhibit No. 515?
A. Sheriff's Evidence Item No. 317-O, ocean.
Q. Did you process --
A. And I did process this item.
MR. NICOLA: We would move this item into evidence, Your Honor.
THE COURT: It's admitted.
Q. BY MR. NICOLA: Exhibit No. 516?
A. 516 is Sheriff's Evidence Item No. 317-P, Paul, and I did process this item.
MR. NICOLA: We would move 516 into 3714

1 evidence, Your Honor.
2 THE COURT: It's admitted.
3 Q. BY MR. NICOLA: Exhibit 517, 5-1-7?
4 A. 5-1-7 is Sheriff's Evidence Item No. 317-Q,
5 queen, and I did process this item.
6 MR. NICOLA: We would move 517 into
7 evidence, Your Honor.
8 THE COURT: It's admitted.
9 Q. BY MR. NICOLA: Exhibit No. 518, 5-1-8?
10 A. Sheriff's Item 518 is Item No. 317-R,
11 Robert, and I did process this item.
12 MR. NICOLA: We would move 5-1-8 into
13 evidence, Your Honor.
14 THE COURT: It's admitted.
15 Q. BY MR. NICOLA: Exhibit No. 519?
16 A. 519 is Sheriff's Evidence Item No. 317-S,
17 Sam, and I did process this item.
18 MR. NICOLA: Your Honor, we'd like to move
19 519 into evidence.
20 THE COURT: It's admitted.
21 Q. BY MR. NICOLA: Exhibit 520. Exhibit 520?
22 A. Evidence 520 is Sheriff's Evidence Item No.
23 317-T, Tom, and I did process this item.
24 MR. NICOLA: We would move 520 into
25 evidence, Your Honor.
26 THE COURT: It's admitted.
27 Q. BY MR. NICOLA: Exhibit No. 521, please?
28 A. 521 is Sheriff's Evidence Item No. 317-U, 3715

union, and I did process this item.
MR. NICOLA: We would move this item into evidence, Your Honor.
THE COURT: It's admitted.
Q. BY MR. NICOLA: Exhibit 522?
A. 522 is Sheriff's Evidence Item No. 317-V, Victor, and I did process this item.
MR. NICOLA: We would move 522 into evidence, Your Honor.
THE COURT: It's admitted.
Q. BY MR. NICOLA: Exhibit No. 523, please?
A. No. 523 is Sheriff's Evidence Item No. 317-William, W.
Q. Did you process that item?
A. Yes, I did.
MR. NICOLA: We'd like to move 523 into evidence, Your Honor.
THE COURT: It's admitted.
Q. BY MR. NICOLA: Handing you Exhibit 524.
A. 524 is Sheriff's Item No. 317-X, X-ray, and I did process this item.
MR. NICOLA: We'd like to move this item into evidence, Your Honor.
THE COURT: 524 is admitted.
Q. BY MR. NICOLA: Exhibit No. 525?
A. 525 is Sheriff's Evidence Item No. 317-BB, or boy-boy.
MR. NICOLA: I'd like to move 525 into 3716

1 evidence, Your Honor.
2 THE COURT: It's admitted.
3 Q. BY MR. NICOLA: Exhibit 526?
4 A. 526 is Sheriff's Evidence Item No. 317-DDD,
5 or David-David-David, and I did process this item.
6 MR. NICOLA: We'd move 526 into evidence,
7 Your Honor.
8 THE COURT: It's admitted.
9 Q. BY MR. NICOLA: Exhibit 527?
10 A. 527 is Sheriff's Evidence Item No. 317-EEE,
11 or echo-echo-echo, and I did process this item.
12 MR. NICOLA: We'd move 527 into evidence.
13 THE COURT: It's admitted.
14 Q. BY MR. NICOLA: Exhibit 528?
15 A. Sheriff's Item 5-2-8, or 528, is Sheriff's
16 Item No. 317-FFF, or Frank-Frank-Frank.
17 Q. Did you process that item?
18 A. Yes, I did.
19 MR. NICOLA: We would like to move 528 into
20 evidence, Your Honor.
21 THE COURT: It's admitted.
22 MR. NICOLA: We admitted 529?
23 THE CLERK: Yes.
24 MR. NICOLA: Good. It's a wrap for that.
25 Q. I'd like to show you Exhibit No. 775; ask if
26 you recognize what's depicted on Exhibit 775?
27 A. On 775, there are pictures of fingerprint
28 basic patterns: A plain arch, tented arch, a left 3717

1 slant loop, a right slant loop, a plain whorl, a
2 central pocket loop whorl, double loop whorl, an
3 accidental whorl.
4 MR. NICOLA: Okay. We'd like to move this
5 into evidence, Your Honor, and publish it for the
6 jury.
7 THE COURT: All right.
8 MR. NICOLA: Can we have "Input 4," Your
9 Honor?
10 Q. Can you explain to the jury what's in the
11 first six boxes up there?
12 A. In the box where the laser pointer is
13 pointing now is a pattern known as a plain arch
14 pattern. It's a class characteristic. And the
15 ridges in a plain arch will flow in from one side,
16 go through the arch pattern and out the other side.
17 They do not re-curve or turn in any way.
18 Q. What's next?
19 A. On the next one is what we call a tented
20 arch pattern. In this pattern, the ridges again
21 will come in, flow through the pattern and come out.
22 However, there will be some ridges which will come
23 in either from the left or the right and will go
24 into a vertical, or a near vertical, and the ridge
25 end at that point, causing a tent to occur and the
26 ridges that flow over that particular ending ridge.
27 Q. Okay. Another example of a Class I
28 characteristic? 3718

A. Yes, sir.
Q. What's next?
A. Next is a loop, where the ridges come in, in this case they come in from the left, go up through the pattern, re-curve, and go back out to the left. There's -- and then you have ridges that start on the other side, come all the way through and go through to the left. And then you have ridges that come through the left and go under the re-curving pattern. And you have in this position, about right here, what they call a delta or a tri-radius, where the ridges flow up and over. They flow around and they come under, so it's what they call a tri-radius, but it's what they refer to also as a delta.
Q. Okay. Is there another kind of Class I characteristic up there?
A. If you go to the -- let me explain one thing. As far as the loop goes, I use the term "left slant." Prior to computers and computer matching, loop patterns were called "ulnar" or "radial" if they opened toward the thumb or the little finger, for the bones in the arm, ulnar bone, radial bone.
Now computers won't recognize bones, so the people who have built the programs, we now call them "left slant" and "right slant" so everybody's talking about the same thing, because there's no way 3719

1 to tell without seeing four, five patterns in a row
2 to know which way the arches actually flow or the
3 loops actually flow.
4 Okay. On top we have a plain whorl. In
5 this case, you have a delta at this location and a
6 delta at this location. Whorls have two deltas, and
7 then the center ridge flow goes in a circular manner
8 or angle, something like what I refer to as a
9 hurricane. They just go around.
10 And the next one down, we have what we call
11 a central pocket loop whorl, in which we have a
12 delta inside the pattern area, about where my laser
13 pointer is, and we have another delta at this
14 particular point creating the two-delta requirement
15 for a whorl. To have a central pocket loop whorl,
16 you have to have a re-curve under the center core
17 area, but that re-curve could not be cut by a line
18 which is drawn between the left-hand delta and the
19 right-hand delta.
20 On the bottom right, we have what we call a
21 double loop whorl, in which case we have two
22 re-curving patterns, one right here and we have one
23 right here. Two separate patterns. We have two
24 loops. So we call it a double loop whorl, because
25 you have two loops within the pattern, plus the two
26 deltas.
27 Q. There are two more examples on this exhibit.
28 A. On the bottom left, we have what we call 3720

right slant loop, again because the ridges come in from the right, flow in, re-curve, and flow out. We have the ridges coming in on the left going up over the re-curve and out the other side, and then we have our delta right at this location where the ridges come down and separate. And there would be more ridges under it if the picture was complete.
Q. Okay.
A. On the right side, we have what we call an accidental whorl, which has, in most cases, three delta areas. You have one right here, one right here, and one right here, and we have two distinct pattern types. This, if I could, it looks like it has either an upthrust or a re-curve, and we have a re-curve here. So you'd have delta, delta, delta, possibly tented arch, and then you would have a looping pattern, or you have a looping pattern and a looping pattern.
Q. Okay. Are there more kinds of Class I characteristics that are just not on this sheet of paper?
A. No, those are the basic Class I characteristics for fingerprints. There's four whorl types, two arch types, and two loop types.
MR. NICOLA: Okay. Thank you, Sergeant Spinner.
Your Honor, I have no further questions.
THE COURT: Counsel? 3721

MR. SANGER: Thank you.
THE COURT: You don't need to start. I
can't take any more.
(Laughter.)
A JUROR: Good.
THE COURT: Good. Let me -- just before I
release you, remember, tomorrow morning we'll --
THE JURY: (In unison) Tomorrow?
THE COURT: I mean Monday morning. Do you
want to work tomorrow?
THE JURY: (In unison) No.
THE COURT: Monday morning, 11:30.
MR. AUCHINCLOSS: Your Honor, I'm sorry.
There was just one exhibit that we wanted to admit,
769.
THE COURT: Let's do it later. We're past
that. We're on our way.
I want to give you another special admonition
at this point. I've tried to remind you as we go
along through the week, but it's important.
It's extremely important that you don't read
any newspaper accounts or watch television or listen
to the radio concerning this case. We're at a point
in the case where the news media is not restricted
anymore from reporting pretty much almost entirely.
There's just a few restrictions. So there's a lot
of things they could report that's not for you to
know about. 3722

That's frankly what it's about. There's things that jurors are not to know when they reach their decision. And those are the things that we discuss out of your presence, and it would be extremely unfortunate if you got that information from somewhere else. But I trust you not to do that, and that's why the restrictions don't exist anymore, because I do trust you not to do that.
And I did mention to you to have some family member collect those items. You know, they can collect the newspaper articles, and they can record television programs, and you'll be, you know, very interested, I'm sure, when it's over to read all that and have that. So I hope you have somebody doing that for you, but they're not to relate those things to you now.
Again, you can't talk to anybody about the case, including each other. It's extremely important that you not do that. I've said before that the community is watching. I don't mean people are spying on you. That's not the case at all. But the community is watching to see how the Court and the jurors, the attorneys, the witnesses behave in this case.
And in that regard, I want to address particularly family members, because, you know, family members feel that they have an exception to the rule. You know, "Well, you're not supposed to 3723

1 discuss the case with anyone but me," you know.
2 And I like to joke about that and say, this
3 is the one time that you have the opportunity to
4 hold something over your spouse, you know, your
5 special other, your children, and say, "No," you
6 know, "I'm not going to talk to you about this and
7 you're not to talk to me about this. And I know
8 you're watching television when I'm not here, and I
9 know you're getting this information, but that's for
10 you to keep to yourself."
11 And it's been important that you draw this
12 hard line with your family, because that's the
13 place. It's not some stranger that's going to walk
14 up to you and say, "Did you know what they had on
15 T.V. the other day?" It's going to be someone close
16 to you.
17 So if they do that, you know, you need to
18 demonstrate your strength and tell them, "No, don't
19 talk to me about this. The Judge has said we're not
20 to talk about it, and I don't want to hear it about
21 it, and if you keep doing it, I'm going to kick you
22 out of the house" -- no, don't say that. But you
23 know what I mean. Be firm with them.
24 And I do like to hear laughter in the
25 courtroom. I'll see you all Monday morning.
26 THE JURY: (In unison) Thank you.
27 (The proceedings adjourned at 2:15 p.m.)
28 --o0o-- 3724

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 3606 through 3724 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 25, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, March 25, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304